

MINUTES

City of Las Vegas

BOARD OF COMMISSIONERS

COMMISSION CHAMBERS • 400 E. STEWART AVENUE • 386-6011

DATE: Dec 21, 1977

TIME: 9:00 A.M.

INVOCATION: Rev. Melvin A. Pekrul, First Baptist Church, Las Vegas, Nevada

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. MYRON E. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY ATTORNEY

MIKE SLOAN

APPROVED BY REFERENCE February 1, 19 78

ATTEST:

Emilia M. Owen

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CITY CLERK

William H. Briare

MAYOR

MINUTES

December 21, 1977

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 21 day of December, 1977 was called to order by His Honor, Mayor William H. Briare, at the hour of 9:00 A.M.

AGENDA POSTED December 16, 1977 (See Page 3 of these Minutes - Affidavit)

AGENDA MAILED December 15, 1977 (See Page 4 of these Minutes - Affidavit)

		PRESENT	ABSENT	EXCUSED
STAFF ATTENDANCE	City Manager			
	LAURENCE HAMPTON, P.E., Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	City Clerk			
	EDWINA M. COLE, C.M.C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Business Activity			
	ILA M. BRITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Community Planning & Development			
	DONALD J. SAYLOR, A.I.P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Financial Management			
	MARVIN A. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Fire Services			
	SAM COOPER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Director, Dept. of Funds, Coordination & Projects			
	RONALD JACK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Municipal Services			
	J. C. CATHCART	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director, Dept. of Parks & Recreation			
	RICHARD L. CAMPBELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director, Dept. of Personnel & Employee Relations				
J. ROBERT McPHERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Director, Dept. of Public Services				
WILLIAM PRUVIS, Acting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

RECEIVED

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241) 11/77

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

CITY CLERK

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the

16th day of December, 1977, at the hour of 8:10 A.M.

there was posted a copy of the Agenda (NOTICE), the attached of which is a true and correct copy, of a REGULAR Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on

the 21st day of December (9:00 A.M.) 1977, at the following locations:

1. On the Public Bulletin Board in the United States Post Office
301 E. Stewart Avenue
2. On the Public Bulletin Board in the Federal Building
300 Las Vegas Blvd., South
3. On the Public Bulletin Board in the Clark County Court House
200 E. Carson Avenue
4. On the Public Bulletin Board at the Plaza Level of the City Hall
400 E. Stewart Avenue (near the entrance to the Court Clerk's office)
5. On the Special Public Bulletin Board at the Plaza Level of the City Hall
400 E. Stewart Avenue (near the entrance to the City Commission Chambers.

Carl D. Peterson
(name)

Subscribed and sworn to before
me this 16th day of Dec, 1977

PUBLIC SERVICES, Quality Control Div.
(department or division)

[Signature]
Notary Public in and for said County
and State
[Notary Seal]

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 15th day of December, 1977, a copy of an Agenda (NOTICE), the attached of which is a true and correct copy, of a Regular Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 21st day of December, 1977, was deposited in the United States Mail, postage prepaid, first class mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said Agenda (NOTICE).

Doris M. Karsnok

(name - an employee in the Office of the City Clerk)

Subscribed and sworn to before me

this 15th day of December, 1977

Edwina M. Core
Notary Public in and for said County and State
EDWINA M. CORE
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires Apr. 7, 1981

RECEIVED

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 216) 9 11 AM '77

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

CITY CLERK

CARL D. PETERSON, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the

16th day of December, 1977; at the hour of 8:10 A.M.

there was posted a copy of Addendum No. 2, the attached of which is a true and correct copy, to the Agenda (Notice), and Addendum No. 1, of a Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, to be held on the 21st day of December, 9:00 A.M., at the following locations:

1. On the Public Bulletin Board in the United States Post Office
301 E. Stewart Avenue
2. On the Public Bulletin Board in the Federal Building
300 Las Vegas Blvd., South
3. On the Public Bulletin Board in the Clark County Court House
200 E. Carson Avenue
4. On the Public Bulletin Board at the Plaza Level of the City Hall
400 E. Stewart Avenue (near the entrance to the Court Clerk's office)
5. On the Special Public Bulletin Board at the Plaza Level of the City Hall
400 E. Stewart Avenue (near the entrance to the City Commission Chambers.

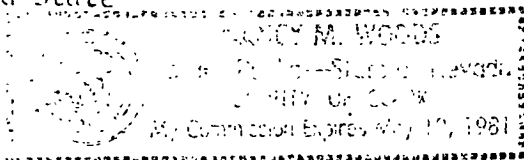
Carl D. Peterson
(name)

Subscribed and sworn to before

PUBLIC SERVICES - Quality Control Div.
(department or division)

me this 16th day of Dec, 1977

Nancy M. Woods
Notary Public in and for said County and State



INVOCATION
AND
PLEDGE OF
ALLEGIANCE

Mayor Briare: Good morning Ladies, and Gentlemen. We are delighted this morning to have the Rev. Melvin Pekrul from the First Baptist Church who is going to offer an invocation. If you will then remain standing for the Pledge of Allegiance.

Rev. Pekrul: We thank Thee Oh Father for the past guidance, for the past twelve months. As we come to the last meeting of the year we ask Thee Oh God, for faith, wisdom, integrity, and courage. As we look at issues, and as we make wise decisions, as we need Your help in guidance Father. We thank you again for a dedicated Commission, for a hard working Mayor, and for the good City Government that we have been privileged to enjoy these past months. We look to the year Father with faith, and hope, in Thy name we pray, Amen.

Pledge of Allegiance.

See Pages 9 thru 14 of these minutes - Annotated Agenda
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

DON J. SAYLOR, AIP, DIRECTOR

Z-118-77
GARY J. DAVIS
Held in
Abeyance

Mr. Saylor: If you will look at the screen, you will see the location of the property, and the surrounding area. It is residential, and to the West is Lamb Boulevard, which is a major street. Further to the East is Nellis. This is a request for a change in zoning from R-E to C-1. We have established a pattern of commercial zoning on Bonanza, but have limited it to the intersections of major streets. This is all residential in the immediate area. The Planning Commission has recommended denial. There was one protest. We have not had development plans submitted to us reflecting the proposed use of the property.

Mayor Briare: Is the applicant present?

Commissioner Leavitt: Gary Davis is my cousin, and I would have to abstain on this matter. I do know that he happens to be in the hospital right now.

Commissioner Christensen: Well I would move to hold this.

Mayor Briare: If there is no objections we will hold this. Mr. Saylor you might inquire as to Mr Davis' health, and when he might find it convenient to be here. Is there anyone in the audience who wishes to be heard on this application this morning? (No response). Then we will hold this off until such time as Mr. Saylor puts it back on the agenda.

ZONE CHANGE
Z-127-77
ROBERT D.
& RUBY F.
HAYDEN
Approved
as
Recommended by
Planning
Commission

Mr. Saylor: This is the strip of property on the South side of Owens Avenue. We have had some discussions in the last few months of houses versus apartments. The one side has indicated that they can live in harmony with the other. We have allowed some R-3 zoning in the immediate area. (Referring to the map). This is the piece in question. The Planning Commission recommends approval. There were no protests.

Z-127-77
Continued

Mayor Briare: Is the applicant present? (No response).
Any comments or questions?

Commissioner Lurie: This is taking the zoning down, and
raising the density from R-3?

Mr. Saylor: It is R-2, going to R-3.

Mayor Briare: Any other comments, or questions? (No response).
Does the Commission wish to take action on this application?

Commissioner Christensen: I will move for approval.

Mayor Briare: Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Leavitt, Christensen,
and Mayor Briare voting aye; Commissioner
Lurie voting no.

ZONE CHANGE
Z-128-77
MARVIN
STRUSSER

Mr. Saylor: This property is located on Maryland Parkway, in
an area where we have allowed some P-R, and some C-D. It
is owned by Mr. Strusser. I think you will agree he has
done a very attractive job with the property. This is to be
of a like nature, the same architectural theme etc.
This is the plot plan of the building which opens up to the
back area for additional parking. Planning Commission
recommends approval. There were no protests.

Mayor Briare: Is the applicant present?

Commissioner Lurie: I move we follow the recommendations
of the Planning Commission, subject to the conditions.

Mayor Briare: Comments or questions? (No response). Cast your
votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Leavitt, Lurie,
Christensen, and Mayor Briare voting aye;
noes, none.

ZONE CHANGE
Z-130-77
WESTGATE
BUILDERS

Mr. Saylor: This involves the Northwest corner of Arville, and
Sahara. You will notice that it has been developed that way.
This has single family homes backing up to the property.
The Planning Commission recommends approval subject to the
conditions.

Mayor Briare: Any questions or comments?

Commissioner Leavitt: I move we follow the recommendations.

Mayor Briare: Cast your votes. Motion is approved, the application
is allowed.

Motion carried by the following vote:
Commissioners Woofter, Leavitt, Lurie, Christensen
and Mayor Briare voting aye; noes, none.

ZONE CHANGE
Z-131-77
MARJORIE
M. HIESTAND
Approved
as
Recommended
by Planning
Commission

Mr. Saylor: This is a request for a change in zoning from R-E to R-3 on the North side of Stewart Avenue. We have commercial zoning at the intersection of Lamb. There is a mobile home park to the West. The rest of the area is R-1. The Planning Commission recommends approval subject to the conditions. There was one protest.

Mayor Briare: Is the applicant present? (No response).
What was the nature of the protest?

Mr. Saylor: The usual one. Not wanting apartments.

Commissioner Leavitt: Move we follow the recommendations.

Mayor Briare: Questions on the motion? (No response).
Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

ZONE CHANGE
Z-132-77
NICK
PANDELIS
Approved
as
Recommended
by
Planning
Commission

Mr. Saylor: This involves a request from R-4 to C-1 to allow apartments on St. Louis Avenue. There is substantial commercial zoning in the area. The rest of the area is pretty well zoned R-4. It would be a three story building, with the ground floor being used for parking. There is 32 parking spaces. The Planning Commission recommends approval subject to the conditions set forth. There was a protest from the property owners immediately to the North protesting on the basis that he is providing a greater parking ratio than this project dictates.

Mayor Briare: Is the applicant present? (No response).

Commissioner Lurie: I move we follow the recommendations of the Planning Commission, subject to the conditions.

Commissioner Leavitt: I abstain on the basis that he is building some apartment units for myself.

Mayor Briare: Comments on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Christensen,
and Mayor Briare voting aye; Noes, none.
Commissioner Leavitt abstained.

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977 Commission Action Department Action

Page 9 II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
DON J. SAYLOR, AIP, DIRECTOR

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS INCLUDING SANITARY SEWER, STORM DRAINAGE, TRAFFIC ENGINEERING, PUBLIC SERVICES, FIRE AND BUILDING, AND THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS INCORPORATED INTO THE ACTION.

A. ZONE CHANGE - Z-118-77 - GARY J. DAVIS

Property generally located on the south side of Bonanza Road between Page Street and Nellis Boulevard.

From: R-E (Residence Estates)
To: C-1 (Limited Commercial)

Planning Commission unanimously recommends DENIAL because they felt the C-1 zoning requested would not be compatible with the surrounding R-E zoning.

PROTESTS: 1

B. ZONE CHANGE - Z-127-77 - ROBERT D. & RUBY F. HAYDEN

Property located on the south side of Owens Avenue between Marion Drive and Nellis.

From: R-2 (Two-family residence)
To: R-3 (Limited Multiple Residence)
Proposed Use: Four-unit apartment.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. It will be required that the applicant sign an Assessment District Agreement for full half-street improvements on Owens Avenue as required by the Department of Public Services.
2. Install temporary asphalt paving at the entrances at the time of development as required by the Department of Public Services.

Abeyance
(No formal motion)

12/28/77 Agenda

Approved as
recommended by
Planning
Commission
Christensen

Commissioner
Lurie voted "no"

Clerk to notify

Director
authorized
to proceed

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977

Commission Action

Department Action

II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

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Item "B" continued . . .

3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Conformance to the plot plan to reflect the above conditions.
7. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

C. ZONE CHANGE - Z-128-77 - MARVIN STRUSSER

Property located on the west side of Maryland Parkway between Jessica Avenue and Norman Avenue.

From: R-1 (Single Family Residence - under ROI to P-R)

To: C-D (Designed Commercial)

Proposed Use: Antique shop.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

See Page 3

See Page 3

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify

Director authorized to proceed

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977

Commission Action

Department Action

II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Page 11.

Item "C" continued . . .

See Page 4

See Page 4

2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan to reflect the above conditions.
5. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

D. ZONE CHANGE - Z-130-77 - WESTGATE BUILDERS

Property generally located at the northwest corner of Sahara Avenue and Arville Street.

From: R-1 (Single Family Residence)

To: C-1 (Limited Commercial)

Proposed Use: Wendy's Hamburger Restaurant.

Approved as recommended by Planning Commission
Leavitt - unanimous

Clerk to notify Director authorized to proceed

Planning Commission recommends APPROVAL (5-yes, 1-no vote) subject to the following conditions:

1. Installation of concrete sidewalk on Sahara Avenue frontage; installation of curb and gutter, sidewalk and half-street paving on Arville Street frontage and construction of a valley gutter at Arville and Sahara as required by the Department of Public Services.
2. Dedication of a 25 ft. radius corner plus a total of 40 ft. of right-of-way for Arville Street as required by the Department of Public Services.
3. Approval of a parcel map.
4. Approved fire hydrant and water main to be provided as required by the Department of Fire Services.

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 77 Commission Action

Department Action

II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

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Item "D" continued . . .

See Page 5

See Page 5

5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to the plot plan to reflect the above conditions.
9. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

E. ZONE CHANGE - Z-131-77 - MARJORIE M. HIESTAND

Property generally located on the north side of Stewart Avenue between Lamb Boulevard and Century Drive.

From: R-E (Residence Estates)
To: R-3 (Limited Multiple Residence)
Proposed Use: Four-plex development

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve month time limit.
2. Installation of concrete sidewalk on Stewart Avenue frontage as required by the Department of Public Services.

Approved as recommended by Planning Commission
Leavitt - unanimous

Clerk to notify Director authorized to proceed

AGENDA

City of Las Vegas

December 21, 1977
Page 7

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977

Commission Action

Department Action

II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

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Item "E" continued . . .

3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
5. Submission and approval of a plot plan by the Planning Commission prior to development of this property.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to code requirements and design standards of all City departments.

PROTESTS: 1

F. ZONE CHANGE - Z-132-77 - NICK PANDELIS

Property generally located on the south side of St. Louis Avenue between Fairfield Avenue and Commerce Street.

From: R-4 (Apartment Residence)
To: C-2 (General Commercial)
Proposed Use: Efficiency apartments.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Installation of concrete sidewalk on St. Louis frontage as required by the Department of Public Services.

See Page 6

See Page 6

Approved as recommended by Planning Commission
Lurie - unanimous

Commissioner Leavitt abstained

Clerk to notify

Director authorized to proceed

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 77 Commission Action

Department Action

Page 14 **II** COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

Item "F" continued . . .

See Page 7

See Page 7

3. Revise driveway entrances to conform to City standards, closing any unused driveways as required by the Department of Public Services.
4. Approved fire hydrant and water main to be approved by the Department of Fire Services.
5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
7. All mechanical equipment, air conditioners and trash areas to be screened from view from the abutting streets.
8. Conformance to the revised plot plan to reflect the above conditions.
9. Conformance to code requirements and design standards of all City departments.

PROTESTS: 1

G. ZONE CHANGE - Z-133-77 - CHARLESTON HEIGHTS
DEVELOPMENT

Property extending north from Cheyenne Avenue to a point 1,014 feet north of Gowan Road between Tenaya Way and the proposed Rainbow Freeway.

From: N-U (Non-Urban)
To: R-1, R-4, R-PD 18 and C-1.

Planning Commission recommended DENIAL on a motion for approval which did not carry.

PROTESTS: Approx. 30

Approved
EXCEPT that the
R-4 Zone request
be changed to an
R-3 Density
Subject to
Conditions
Lurie

Clerk to notify

Director
authorized
to proceed

Commissioner
Christensen
voted "no"

ZONE CHANGE
Z-133-77
CHARLESTON
HEIGHTS
DEVELOPMENT
Approved
Except that
the R-4
Zone request
be changed
to an R-3
Density
subject
to
Conditions

Mr. Saylor: This involves property in the Northwest part of the City. You will remember that we recently had an application from Mr. Becker for the property on the East side of the Freeway, to allow commercial zoning. That was denied. This entire piece, (Referring to the Map), was annexed to the City. We now have approximately the same application that we had on the East Side. Now being proposed for the West side of the Freeway; well it shows a pattern of commercial. There is an overpass being constructed on Galon Road. There was a protest factor, again on the East side of the Freeway.

Mayor Briare: Is the applicant present?

Mr. Saylor: The Planning Commission has recommended denial.

Mr. Ernie Becker: I live at 4410 West Washington.

Commissioner Leavitt: In regards to the; well this says the Planning Commission recommends denial, but according to my agenda it says on a motion for approval. Mr. Saylor, was it a tie vote?

Mr. Saylor: Yes it was.

Commissioner Leavitt: Because it was a tie vote it ended up being denied right? In other words it was split?

Mr. Saylor: Yes.

Mr. Becker: I want to show you a photo we just had taken. I have outlined the property in blue. Along the blue on the West side of the property from Gowan, at least for a quarter of a mile is under the Federal Government. I think you will find the area is not a pattern yet on the West side, even on the East side. Just to refresh your memory, Curtis Park was a half acre subdivision, and we developed to the West of it an R-1 development. That didn't deter the increase in value, or the desirability because Curtis Park has doubled its value, and construction of houses since that time. All I can say is, that the Freeway I think changes the character of the neighborhood out there. I don't think an R-1 zoning or the R-3 along the Freeway, and the C-1 by the off-ramp of the freeway is detrimental to the area. All around the City there is R-3, and R-1. They will grow, and they all increase in value. We have to take care of the people in R-1, and in the rental apartments as we do in the R-E estates. We have built both areas. I have submitted the application, and we have made some changes from the original. We have made the lots on Tanya into 11,000 square foot lots. I think there is 70 by 135 foot lots. I would like to see it zoned as we have submitted it at this time.

Commissioner Lurie: I have a question. The R-4 did you say that that has been changed to R-3?

Mr. Becker: Yes.

ZONE CHANGE
Z-133-77
Continued

Commissioner Lurie: What about the R-PD-18. Has that been changed?

Mr. Becker: That is the same. The R-3 is 26 to the unit, and the RP-18 is less than the R-3. That happens to be right in the area where the overpass is already constructed. That is where that backs up to, which is about 15 feet above the ground.

Mayor Briare: Is there any questions? Anyone wishes to speak in opposition to this?

Mr. Edward Zulkee: I live at 3385 Sisk Road. That is between Torrey Pines, and Lorenzi. Right off Cheyenne. I would like to speak in opposition to this proposal. I built my house in that 10 acres so that I could have an environment. So I could have my family grow up where they could have fresh air, and be free from pollution, and heavy traffic problems. This is an area that the people are interested in that type of life. It is not an area where apartments belong. It is right out in the middle of the desert. There are areas all over town for this. The people who live in our area do not want that type of life. That is why we built out there, and our lives are in that neighborhood. I just don't see the sense of it. The schools are not geared to take the excess load, the buses are over crowded most of the time. The pollution would be much greater. The traffic in there would change. Here you have an area in the desert. I don't see the sense of that; and I would like to stand in opposition to this.

Mr. Bob Hartman: I live at 6225 West Buckskin. That is approximately in Maverick, and Mustang.

Mr. Saylor: That is in this general area.

Mr. Hartman: I have a petition that has been signed by 130 people in the area. I am afraid we have more signatures than that, however I of course would like to speak in protest to it. I don't think anybody who signed the petition in opposition to it as far as Mr. Becker is concerned. I personally own one of these homes, and I am not in opposition to the builder. I am in opposition to the zoning. I have lived out there in that area for 17 years. We built our home by ourselves from the ground up. We are raising our family there. Such as trying to get them to ride horses in the country. I think you can appreciate that. I also speak from a little bit of experience as far as over crowded schools. I talked to the principle, and they have some problem with the enrollment. We are right at maximum. Mr. Bass tells me there is not a plan for an additional school in the area, so consequently we are opposed from that standpoint. I would like you to consider this very closely.

Mayor Briare: Is there anyone else?

Commissioner Christensen: There is one thing that I would like clarified. We hear people talk about over crowding the schools.

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Continued

It is my understanding to build schools where they are needed.

Mr. Saylor: Yes, the schools follow the development.

Commissioner Christensen: They won't fill the school unless there is people to go to it.

Commissioner Lurie: Is there a site out there for a school?

Mr. Saylor: I don't know. Conceivably George Harris from memory could tell us if there is a proposed development.

Mr. George Harris: I have been retired from the school administration for several years. I was authorized by the Board to say what Mr. Christensen has said. That is, that we have the obligation to take care of all the children, and if a school is needed, it will be put there. If our children are there in surplus, then they bus them out of there. The School Board has had the policy not to cast a vote to influence either way.

Glade Welgard: I live at 3355 Pioneer. I am also against apartment buildings, and the high density that they have planned in the area. I tried to get out in that area. If they move this in I believe it is going to congest the area. The school proposition will be very congested. They would have to start busing more. I am West of the project.

Mayor Briare: Mr. Saylor would you with your finger show the direction of Rainbow?

Mr. Saylor: This is Cheyenne, this is the freeway going through the middle. The application is on the West side. Most of the people that spoke in protest are in the East of the project.

Mayor Briare: Why is the East side of Rainbow colored Green?

Mr. Saylor: This was annexed to the City, and an application by Mr. Becker for an urban pattern was denied, so we still carry it on the holding zone.

Mayor Briare: Is there anyone else?

Carma Brown: I live on Buckskin. I also live on the West side of this project. There are four or five of us who built homes out there. We bought the ground, and we built so we would be out, and have a little bit of area. We built nice homes, and there is three or four in construction in the same area. We feel like apartments just isn't appropriate for that area. We are way out, we went out there to build our homes so we could have some kind of a general area where there wasn't apartments, and lots of traffic. I feel that these apartments just don't need to go that far out. There is plenty of room closer to town for apartments. When we were here for the Planning Commission I think the vote was about 3 to 2. I don't believe it was a tie vote.

Z-133-77
Continued

This meeting, the majority of us thought it was later in the day. We bought this ground thinking we would have a little bit of an area for our own. That is the reason we bought and built out there.

Mayor Briare: Is there anyone else who wishes to be heard? (No response). This hearing is then closed.

Commissioner Woofter: Mr. Becker in regards to what some of the protestors; what is your reasoning for wanting apartments in this area?

Mr. Becker: Well people in single family homes don't normally want to live next to a freeway. It is more condusive to apartment living. You can buffer away from that freeway. The freeway changes that characteristic out there. If the freeway wasn't there you wouldn't have to build apartments, but the freeway is there, and that is what you have to protect against.

Commissioner Christensen: Mr. Saylor could you outline for us on the map what part is the City, and what part is the County?

Mr. Saylor: Looking at this, the areas colored are in the City, the rest is in the County. When you go further East on Cheyenne, it becomes City again.

Commissioner Christensen: Almost 100% of the protestors then have come out of the County areas.

Mr. Saylor: I think all of them.

Mayor Briare: When did that annexation take place?

Mr. Saylor: This was just annexed a couple of months ago. I think you are aware of the specific location. We have had a continuing request for annexation.

Mayor Briare: Any other comments?

Commissioner Lurie: Well I went back and reviewed our general plan, and went back to some of the planning books, and I think this is a case where the developer had a careful analysis of the need of the community. Also to find a site to fit market, rather than fit the site to fit the market. I think that this particular plan, and a lot has been taken in to consideration, as far as the area, and the people that live in that area. I would like to move for approval of the application, amending the R-4 to R-3, subject to the conditions.

Mayor Briare: Comments on the motion? (No response).
Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
and Mayor Briare voting aye; Commissioner
Christensen voting no.

ZONE CHANGE
Z-134-77

See pages 21 thru 22 of these minutes - Annotated Agenda

Approved
as
Recommended
by
Planning
Commission

Mr. Saylor: This is an application for a change in zoning as indicated on the agenda, from R-1 to R-PD 20. There is a misconception, however, in that the underlying zoning is R-1, however the property has a resolution of intent on it to R-3. It has had since 1963 I believe. Which would allow the development of apartments upon submittal of a development plan. It is located between Windwood, and Jones Boulevard. There is apartment zoning along Jones frontage immediately to the East. It is an R-PD that is developed, and the R-2 zoning which is developed by Lewis Homes. The remainder of this area where the yellow is, is all single family home development. As I mentioned, the owner has the right to develop, he is asking that this be changed to a lesser density, plus we have a greater control over the layout. I think he is proposing a series of four plexes. The plan which I don't have up here would not have any access to Condor Avenue. All of the access would be to Smoke Ranch Road, and Windwood. There would be no traffic flow on the residential street. The planning Commission has recommended approval of the application. I think feeling as staff does, that the proposed RP-D-20 is a greater benefit in the area than it would be if it were apartments. There were however some 50 protestants, primarily single family home owners.

Commissioner Lurie: Mr. Saylor, is Condor the street that separates the property from the single family?

Mr. Saylor: There would be no access on to Condor.

Commissioner Lurie: All the access would be on to Smoke Ranch Road then?

Mr. Saylor: Yes.

Ernie Becker: Our planned unit development is for 20. It gives us all inside parking, and we do have 2 parking places per unit. The one thing that we have changed, is that we have agreed to cut these entrances here, and put them on to Smoke Ranch. Al Bossi has agreed to get us on to Smoke Ranch. We have gone down to this unit, and split these two parking lots, so we have two entrances here, and another one down here. This changes this part. (Referring to the Map). We have agreed with the property owners, we will put a fence along here. It is not a solid fence, it is a brick fence with wire, so there will be exits however, where people can walk on there. There will be some parking on Condor for town houses, or whatever.

Commissioner Christensen: Well it looks to me like, if you are going to fence him off, he won't have to develop the street Mr. Saylor.

Mr. Becker: Well it is a 60 foot street, and we were just trying to work with the property owners to satisfy them as much as possible.

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Continued

Mr. Saylor: Well it will also provide for additional parking, because even though there will be no traffic access, do take in to consideration the curb parking, and there will be pedestrian access.

Mr. Becker: We do have two parking spaces off the street, and we are required only 1 and a half.

Mr. Saylor: We require a total of three, but we take in to consideration this situation.

Mayor Briare: Is there anyone who wishes to be heard in protest to this application? (No response).

Commissioner Leavitt: I move that we follow the recommendations of the Planning Commission.

Mayor Briare: Questions? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
Christensen and Mayor Briare voting
aye; noes none.

ZONE CHANGE
Z-136-77
GARY E.
SILVA
Approved
as
Recommended
by Planning
Commission

Mr. Saylor: This involves property on Eastern Avenue. We have allowed P-R zoning along Eastern. This is a plot plan of the proposed development. The Planning Commission has recommended approval. There were no protests.

Mayor Briare: Is the applicant present? (No response).

Commissioner Lurie: Move we follow the recommendations of the Planning Commission.

Mayor Briare: Questions or comments? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
and Mayor Briare voting aye; noes none.
Commissioner Christensen temporarily absent.

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS

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CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 9, 1977

Commission Action

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

H. ZONE CHANGE - Z-134-77 - ERNEST A. BECKER

Property generally located on the south side of Smoke Ranch Road between Jones Boulevard and Winwood Street.

From: R-1 (Single Family Residence)
To: R-PD 20 (Residential Planned Development)

Proposed Use: High density planned development.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Dedication of 30 ft. of right-of-way for Winwood Street - dedication of 30 ft. of right-of-way for Condor Avenue - dedication of a 20 ft. radius corner at Winwood and Smoke Ranch Road and dedication of a 15 ft. radius corner at Winwood and Condor Avenue as required by the Department of Public Services.
3. Installation of half-street improvements on Condor and Winwood frontages as required by the Department of Public Services.
4. Installation of sidewalk and street lighting on Smoke Ranch Road frontages as required by the Department of Public Services
5. Fire hydrant spacing, fire flow and fire fighting access to meet the requirements of the Department of Fire Services.
6. Conformance to the plot plan to reflect the above conditions.
7. Conformance to code requirements and design standards of all City departments.

PROTESTS: Approx. 50

Approved as recommended by Planning Commission Leavitt - unanimous

Clerk to notify Director authorized to proceed

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 9, 1977

Commission Action

Department Action

II COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
CONTINUED

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I. ZONE CHANGE - Z-136-77 - GARY E. SILVA

Property located at 2101 East Oakey Boulevard, at the northeast corner of Oakey Boulevard and Eastern Avenue.

From: R-1 (Single Family Residence)

To: P-R (Professional Offices & Parking)

Proposed Use: Office.

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Driveway location on Oakey Boulevard to be approved by the Traffic Engineer.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Conformance to the plot plan to reflect the above conditions.
7. Conformance to code requirements and design standards of all City departments.

PROTESTS: 0

J. ZONE CHANGE - Z-137-77 - TOM ELARDI

Property generally located on the south side of Oakey Boulevard immediately adjacent to the

Approved as recommended by Planning Commission Lurie - unanimous

Commissioner Christensen did not vote - temporarily absent

Clerk to notify

Director authorized to proceed

Denied as recommended by Planning Commission Lurie

Clerk to notify

See pages 37 thru 39 of these minutes - Annotated Agenda

ZONE CHANGE
Z-137-77
TOM ELARDI
Denied
As
Recommended
by
Planning
Commission

Mr. Saylor: This involves property on the Southside of Oakey, between Arville, and Decatur running out immediately East of the Vegas Village complex. Fair acres is to the East. The property on the other side of Oakey was recently before you for a townhouse development, which was denied. This is all single family. (Referring to the Map). This application was before you several months ago, and was recommended for denial, and was denied by this Commission. The Planning Commission again recommends denial. We have a protest factor of 250 signatures.

Mayor Briare: Anyone wishing to speak in favor of this application?

Mr. Herb Jones. As stated by the Planning Director, this matter has been before you once before, however I believe with the continued growth, that it is still the best use of planning for that particular property. Historically that property was about 40 acres which goes up to Decatur, and then in a square down Oakey Boulevard. At that time the entire parcel was zoned C-1, with of course the usual letter of intent to build, and Vegas Village was built there. Based on that particular zoning application, because the other 20 acres might have been was not zoned, and it was not used, and of course it reverts back to the R-1 which was originally zoned as. That would be the green area on your picture. The area immediately to the East, which is the Fair Acres section, it is partially developed, and there is approximately 13 acres of land in there that was not developed. At that time the developer came before this Commission, and offered to purchase the 13 acres which would be immediately adjacent to the East black line you see there. At that time it was granted, he was assured that it would be R-1 up to the C-1 zone. Thereby creating a buffer between those people, and the other people. That property was purchased at a sacrifice at commercial prices. So that matter could be accomplished. Most of the protestors come out of the Fair Acre area. My client went out, and got around 176 people signing a petition across the street, and up further. They indicated that they had no objection to this. Then you have 200 objectors. A lot of them are rental units. I don't know whether you realize that or not. We know that at least 15 people are rentals. I am sure they are on the petition. Do you have a picture there of the piece. This gives you an indication of the overall picture, and I believe you have another one that gives you a better look at the situation. It is kind of dim, but that is the Fair Acre project. In planning this particular development my client was cognizant of the usual problems that the home owners in the vicinity might have. He very carefully designed this particular apartment complex in a manner that would be less offensive to home owners. It would not be one of those situations where people would say, "well it depreciates my property because you are going to put in an apartment complex." As you can see from that particular diagram all of the walls which would be the end walls, that none of those have windows. So therefore you overcome the usual protests of people who feel that in a two story complex might over look their back yard. It was designed in that manner just to overcome that

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Continued

particular problem, of somebody looking out in to their back yard. The project is enclosed by walls, so it doesn't interfere with other people. It is landscaped along those walls. You usually have the complaint in what is going to happen to the schools, but that is a comment you often hear. This is an adult complex, and you don't have any problems of children planning, and of course the school, that just is not needed. This particular project is a one bedroom project, for the entire project. So therefore, you are going to have, as far as your density is concerned, you have 176 units which are smaller, or less dense than the actual R-3 requires. With one bedroom, that indicates that it is going to be very less in density than a normal 3 or 4 bedroom apartment house. That particular objection that you usually hear, we believe that this was carefully planned to avoid those type of objections. The units themselves will rent from around \$250.00, to about \$400.00. Indicating that you will not get the usual protestors of the type of people who will be living there. These will be expensive units. You will have a moderate income people who will be stable to live in an area of this nature. The project itself, as you will see there is two swimming pools. There is a space area, so it is self contained within its own area for the benefit of the people that are going to be there. I don't know how you could build a project any better, that would be more of a beneficial use for that particular land. If you will refer to the left of the picture, (Referring to the Screen), that of course would be Oakey, and going from there back 600 feet, that is presently C-1. The other 600 feet is R-1, so it is already designated C-1, and could be used. You could not use the R-1 because you are up against C-1. You couldn't develop with that. If this is granted, then the road on the right side would be open as required by staff, so your traffic going in and out. I don't believe that we could come up with a better project of any nature that would be better use for this land. You have the R-1 on the left, and then you would have the R-3, and you would then have the C-1. It is ideally prepared to overcome, and to try to do the best they could for the neighbors, and for the benefit of that land. It is a large piece of land. It would be very difficult to develop in to anything else. It would be in an "L" shape now. I respectfully request that this matter be granted. I believe it is a good use of the land. I think we could not prepare a better project that would be more fitting.

Mayor Briare: Do any of the Commissioners have any questions at this time of Mr. Jones? (No response). Is there anyone who wishes to be heard in opposition to this application?

Mr. Frank Thacker: I live at 4516 Hilcrest. We have been through this at least once before, and four or five times across the street. At this time I made a couple of notes. First of all, we have been through fire protection, the police protection, and the crime, and so forth. Secondly these letters were sent out within a 300 foot radius of the property. They are supposed to be the protestors. There are exactly 18 homes down the East side of Fairacres. Down three more houses, which is a total of 297 feet

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Continued

there is another 20 homes, so we have a total of exactly 38 people that should protest this. We have got 253 signatures in that area all of Fairacres, plus Royalcrest across the street, because they are supporting our move for no apartments in that area. Now Mr. Jones stated, now I have a newspaper article that I would like to read to you. It says, "Alardi also submitted a petition with the signatures of 176 persons who favor the project." My signatures come closer to the land than those do. There is not one of 38 people on that. We have never submitted a false petition. We never tried to lead you guys on. We are trying to very strongly make a point, but not once have we tried to mislead you. So therefore, these gentlemen are saying that 176 signatures, well they are lying. Did you get this letter Commissioners?

Mayor Briare: Right.

Mr. Thacker: O.K., lets break down this letter. Lets go down to paragraph six. Involving senior citizens, and retirees. These things would run from \$250.00 to \$400.00 a month for rent. I don't know anyone who can afford it. Now number seven, it states, "leasees of upper or middle class incomes who will spend hundreds of thousands of dollars in this community." Now I think this is misleading. "Please consider what might end up next." Are they trying to say something bad is going to happen? I don't believe that. Now for the last page. It says, "we will do our best to be of service to you, and for more information please stop by West Sahara Avenue, and so on. Again they are trying to say that they are the worlds greatest builders as far as they are concerned. They are still lying about a bunch of petitions. I don't believe it. Now lets get back to a solution to this whole entire thing which is very very simple. Maggie called me, and brought this up, and asked one of the staff members, and well I don't know who the staff member was. He is not here now, he is a gentleman with dark hair. She said "What are you doing? You are creating a peninsula of R-3 property surrounded by R-1, surrounded by R-3." That is exactly what we have got. Develop that thing as C-1, and leave it alone. Inform the people before they buy it.

Ruby Davis: I live at 1700 Tranquility Drive. I would like to mention that there was a large number of people who wanted to attend, but could not. There were several who handed me these, and asked me if I would bring them to you. (Letters handed to the Commissioners). I believe you have Mr. Alardi's petition. I would like you to show me a name there of anyone living in the Fairacres or the Royalcrest Development. Those are the two developments that are directly involved in this project. This is where our 253 signature came from. I believe there are approximately 13 rentals in Fairacres. I can let you see this. I am not an artist as you well know. The yellow shows the Fairacre Estates at the Royal Crest. Now my research where it shows that Mr. Alardi got signatures in the Red Rock Theatre area, West of Decatur, and all the way up to Linda. Still West of Decatur, about four streets between Evergreen, and Alta, further North to two streets near Washington, which is near Michael Way. He went East to 2800 Alta, and down to streets like Burton, Mason, Clancey, and those are near Rancho Road. I would say in some instances it was close to

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Continued

a two mile radius . I really think that this is all that I need to say. I think it speaks for itself.

Mayor Briare: Is there anyone else who wishes to speak in protest of this application?

Bob Sanders: I live at 4524 El Parkay. We would like to take a minute or two to show you a few slides if we may. (Slides were shown to the Commissioners). This is an apartment complex that is near where we live. This is a view taken from the Casa Maria Apartments. This is from an apartments that was built so there was no way so the others could look down in their back yards, or in to peoples property. There are no windows on that far wall. Here is another view from the balcony down in to the yards. I might point out too, that based on the drawings we have seen of the apartments complexes in question, the building will be physcially closer to the back wall of the property owners than this one.

Commissioner Christensen: Are you aware of the fact that if you were to build single family homes in that area, that they could be two storys. So that you would have exactly the same thing you are complaining about here.

Bob Sanders: Oh yes, but it would be much less density.

Commissioner Christensen: Well lets talk about density of eyes. If there are no windows in the back wall of this apartment project, are you going to have more people looking down on the patios, than if you built homes. I am not arguing, I just think this should be pointed out.

Mr. Sanders: Here people have built some very very high walls. Are we going to have to build walls like this. Next picture. Here is some of the landscaping of this particular apartment. I am sure that this doesn't look like the artists rendering did. Next picture. Here is a view from the property owners back towards the apartments. There are no windows there.

Mayor Briare: Thank you very much. Is there anyone else.

Mr. Prieston: I live at 1720 Tranquility Drive. I just sat here and took some notes as Mr. Jones was addressing this Commission. I would just like to refer to some of his comments. We have been down this road before. Through the Planning Commission in March of this year. The Commission indicated a request for denial which was followed by this City Commission, and here we are again. I note that the change that Mr. Jones has indicated in this proposal, as opposed to the one in March was that a less dense type situation is now before you. When you look at it, it is still an apartment complex. Mr. Jones indicated that this was a best use for the land involved. I would like to know how he arrived at that conclusion, when it is one developer, and one attorney backs this use, as opposed to a multitude of residents that say no. If this constitutes best use, then I think our system is failing in some way. Mr. Jones indicated that Fairacres was built in a haphazard way. If that is a haphazard way, then the

Z-137-77
Continued

majority of the people that built homes in that second section from 1970 on, are still there, and they must be gluttons for punishment. The Fairacres Estates area has the most protestants, and there must be some merit to that particular fact. Mr. Jones also indicated, and I quote, "the usual complaint about apartments." If there is a usual complaint in almost every petition for apartment building, then there must be something to the complaint that is usual. That is all I have your Honor.

Mr. Bill Clark: I live at 1900 Fontenelle. This is in the middle of the Fairacres Estates. We don't have really an association. As long as we are up against hired attorneys, and as long as we are up against this monkey business of coming down here periodically. It takes your time, and it certainly takes our time. There is nothing new. There is nothing new, nothing added, or taken away. There is so much malarky in this thing. I was president of an association back East. There were 96 people, and our houses were sliding down the hill because the developer had done a poor job of draining. It drove me crazy trying to hold 96 people together. We had to put up \$500.00 a piece to go to the County, and get \$50,000.00 for drainage, and believe you me we couldn't pull any 240 people together here unless we had something real. We are downgrading the quality of homes, and the quality of the area. If they can build apartments in there between Vegas Village, and that wall, they certainly can build homes in there. This is the very question. My daughter is looking for an apartment, and I spent a lot of time trying to find it. But you can find all kinds of apartments in this area to the West, and also to the South. You can find 2, and 3 bedroom apartments from \$435.00 up. If you are going to just have a one bedroom deal here, then you are going to have people drifting through. I don't think you are going to find anybody who are going to pay \$400.00 for these. At \$250.00 even it isn't low cost housing. It seems to me that what we are doing, is just trying to open a wedge here to get that whole area geared to apartments. A friend of mine owns the property just North of Oakey, by the church. He was offered the other day a good sum, and they said he had better take it while they could offer it, because that was all going to be apartments in there. I think we ought to stick to some of the residential zoning instead of creating an island in there. Thank you very much.

Mr. Robert Patser: I live North of the proposed development in the Royalcrest Park area. I just wanted to point out the pattern that is developing. From Sahara, and on down around Decatur, that there is quite an area that is zoned for apartments now. This is probably reasonable. Looking at the commercial zoning and things in that area, however, when you start putting islands out in the middle to isolate other areas that should be residential, then you are coming to a potential situation where we will have dense apartment areas. I think we should look at the zoning pattern that we are developing, and just not create islands. Thank you.

Mary Hall: I live at 1712 Tranquility. If they do make apartments over there I have to leave. I just bought the house 8 months ago, and I won't put up with apartments over there. I don't believe

Z-137-77
Continued

anybody would like to have apartments over there. If they do make apartments over there, then I am going to sell my house. They can put commercial in there with a bar. Everybody likes to go to a bar and have a drink. They should make it a commercial zone. If they put apartments over there then I have to move.

Mayor Briare: For the purpose of the hearing we will declare that part of the application concluded. Then in accordance with the statements that this Commission follows, Mr. Jones can have a few moments to make rebuttal comments for the benefit of this Commission. Then we will turn the matter over to the Commission to determine what action they might want to take.

Mr. Jones: I just don't like to have any misleading misunderstandings. I would like to straighten up something. (Referring to the Planning Commission employee). If you will take your pencil, and go up to the black area above Oakey, and then to the right. Where that black line some down. Now if you draw a line straight South, then that is the way the development was originally made. When I said developed in a haphazard manner, well this was as far as this map here. That was all developed until this project started on the Vegas Village. You can see that it was pretty well haphazardly developed, and nothing was finished. I bring that up, because I did not wish to have these people think that I had slighted their homes. Now also the reflection of that statement of where we got the signatures. I just said, and go back to your minutes. I said in the area, and none of them as far as I knew in Fairacres. The only reason you go out around the area, and get these names is because I believe that these names are just as important, the 176 signatures we have, as the 80 names on their petition, other than the ones along the wall. None of them are going to be adversely affected as far as I can see. If numbers impress people, then we went out and got additional numbers to show that just names are not important. What is going to be the effect upon the immediate area. That is the important thing from a planning standpoint. That is why we are here, because we believe that this is a buffer zone. It was prepared to go in between that. You people know that there is no way that you can develop that with R-1. The plan has to be put to the most beneficial use. If these people can assure me, that if we change and come up with a C-1 zoning, for the balance of that property. If we come in with C-1 for the rest of it that we are not going to have a bunch of protestors. I am prepared at this time, with the authority of my client to withdraw this application. If this Commission right now can assure me that I can have that entire area zoned C-1. When I do that, and come in here, then I am going to have all those people, plus the same ones that are in here. We have prepared a project that we feel is a buffer zone, downgrading from the C-1 on the other R-1, or R-3, and it is upgrading from the R-1 to the R-3. We feel that this is a worthy project. It is the best use of the land without hurting anybody. These people when they purchased their homes knew they were up against C-1. I can't conceive anybody saying that they would rather have an all night bar, and the traffic that is going to be going through there, and the horns honking, and things that could be involved with C-1 property, that they would prefer it. However if they prefer it,

Z-137-77
Continued

and you can assure me that I can get the 20 acres, then I now make that offer to withdraw, and with your permission I would rather withdraw it if I am going to lose it. Of course with the assurance that I am going to get C-1. I don't want to have it denied, and then wait months, and months to try to come back in with another plan. We are trying to be fair. We are coming in with a 4 million dollar project. I don't know how many of them are plumbers, or carpenters, or how many like me have to work for a living. When we can put people to work with a 4 to 5 million dollar project that is going to be paying taxes, and when you look out there, and every one of you are familiar with the property. You know it is bare ground. Are you going to leave it bare ground from now on until eternity? We cannot put it R-1. Who is going to buy an R-1 house now?

Commissioner Christensen: Are you talking about the whole area being C-1, or just about the C-1 that was previously C-1?

Mr. Jones: That would include the 40 acres.

Mr. Saylor: The North half.

Mr. Jones: That entire thing was C-1. (Referring to the map). It reverted back, because it was under a resolution of intent, so when they built Vegas Village they had already developed that portion of it, but the original 40 acres was C-1 at that time. The original developer said, "I will buy this 13 acres, and I will assure you that it will be R-1. I will make sure that this is R-1 for you people." That is what he said.

Commissioner Christensen: Well I am concerned about the lower half of that. The South half of the proposed project is in fact at this point surrounded by R-1. Is that correct?

Mr. Jones: That is correct. When you develop it, then it reverts back to the original zoning, and that is what happened here.

Commissioner Christensen: Does Mr. Lied still own the parcel that is left there?

Mr. Jones: I don't know who owns this.

Commissioner Christensen: Mr. Alardi you own the rest of it?

Mr. Alardi: Yes.

Commissioner Christensen: Have you ever given any thought to the possibility of developing that portion of that piece of property in red, the North half of that as commercial or whatever, and the South half of it attached to the rest of it, and make it R-1? Any reason why you don't attach; well maybe I am not making myself clear. You have an outlined area in black that is the proposed project. The South half of that, that is yellow in color (referring to the map), has there ever been any thought to developing the North half that is in red the way it is zoned, and the South half that is in yellow, plus that area West of it.

Z-137-77
Continued

Mr. Alardi: Well I own the whole thing.

Commissioner Christensen: I am aware of that, and that is what I am talking about. Why don't you develop the whole thing. Why are you cutting that little piece out of the center? Do you have plans to make it all multiple dwellings?

Mr. Alardi: I have plans to eventually get the majority of it, the majority of it is in back of Vegas Village, and I plan to make that commercial.

Commissioner Christensen: Well the way they have the proposed zoning planned right now Mr. Saylor, that wouldn't be classified as bad planning would it?

Mr. Saylor: Well that is appropriate, however, I would not conclude as a rule of thumb necessarily that....

Commissioner Christensen: Well let me ask you another question. Why don't you come in with a whole project? Why do it peace meal.

Mr. Jones: Then we have the problem that we have got right now. Everybody over in Fairacres would come in and say, "this R-1"....

Commissioner Christensen: Well this way you have them twice.

Mr. Jones: We would prefer this project, and then we would buffer this.

Commissioner Christensen: Well the protestants have made one point that has merit. They are saying that you have got an island of R-3, surrounded by R-1, which in fact you have. I just wonder why you don't come in with the whole project.

Mr. Jones: Well you cannot finance everything at once. That is why he has authorized me to make that offer I made, because he does have plans to put the C-1 on the other side. I still believe that this is the proper zoning for this property.

Commissioner Leavitt: Well don't you think that the people in the area are entitled to know how the whole plan is for the whole general area, rather than just for that sliver. The lower half that is yellow; that you want to make that rezoned, but if you can't get that rezoned then you are going to come back and have the whole area commercial. Is that your thinking?

Most of these people have indicated that they would prefer commercial. If you did make this, and come back with an application for commercial, and these people came in with a petition to protest it after representing to this Commission that they would prefer commercial, then they would not get a very receptive treatment from me. I would want to see what your proposal is before I say that I can assure you that you can get commercial. I am not going to assure you today that I am going to vote for commercial until I see what the plan is going to be.

Mr. Jones: I heard one remark, and that was; I would rather have a refinery next to me. In answer to that, I just don't really know what these people really want, they applaud you, and then I heard a right-on on another statement.

Z-137-77
Continued

I don't know what they are going to do. This is not a popularity question that we have here. This is a planning matter. What is the good beneficial use of this land. Does this make sense, or is it a popularity contest.

Commissioner Leavitt: I agree with what you are saying. I don't think your zoning should be on a popularity contest. I do think, that when you consider changing an existing zoning, that the life styles of the people that live in that area, and their concerns should be taken into consideration. These people have indicated they do not want this type of zoning, but they would have no objection to another kind of zoning. Mr. Saylor says that either one would probably be proper zoning. He didn't say that necessarily you had to have commercial, and then higher density, and lower density. That is not a rule of thumb that you could follow. I certainly think that the desire of the people in the area have to be taken in to consideration.

Mr. Jones: I agree with that, and I agree that the people should be listened to. Then I think after they have been listened to, then it is a matter of judgement by this Commission. I believe that the application sets up a proper zoning, and is a good project. It is a beautiful project. I don't know what to do. I don't know whether to withdraw. I would like some direction from the Commission.

Commissioner Christensen: Well when we are looking at a little bit of peace meal, it is not enough planning. I respect your comments that you intend to go for commercial, and the whole area. That to me is planning. What I am asking for however, is if you are going to plan, then lets plan a little further ahead. Why don't we plan it all at once, so we know what the plan is? As a home owner the only way you can determine for sure what your neighbor is going to be, is if you build in an area that is already built. This is the problem that these people are caught in. If we are going to plan, then why don't we plan the whole area so they will know what is vacant land, and what it is going to be. I think we normally zone by resolution of intent, and I think in some cases it would be proper to zone by ordinance. Then unless the ordinance is changed it would be commercial for evermore. If Mr. Alardi goes broke, and ends up having to get rid of that land, and somebody buys it, and finds it open zoning, or R-1, then they could conceivably build houses there, and then those people would probably have multiple dwellings in there.

Mr. Jones: I would request then at this time that the matter be held, and we will come back in with a plan on that other portion of the property.

Commissioner Leavitt: I am not sure that it should be held. I think I would like to make a motion to allow the applicant to withdraw his application.

Commissioner Lurie: I think a withdrawal is the same as a motion for defeat, and they would have to wait the same amount of time to come back before the board. I believe it would be 8 months before this application could come back.

Z-137-77
Continued

Mr. Jones: Well in that event there is no sense in me withdrawing it. If it takes me 8 months to get back in here. As I said before, we were preparing to put some plans on the rest of that property, then I have got to take my chances. The only thing I can say to you gentlemen, is that it is good planning, and it deserves to be granted. I would be happy to take a continuance on the matter, so we could come back in, and show you people what the plans were.

Commissioner Leavitt: I will withdraw my motion then.

Mayor Briare: There is no motion before us. Is there any other comments by the Commissioners?

Commissioner Woofter: I would have to join fellow Commissioner Leavitt, and Christensen in regards to concerns for good planning as Mr. Jones has brought out. My feeling is that the members of that community, and nearby area have already advised us that they would rather have commercial rather than apartments. Why I don't know. I think it is a beautiful complex, but if that is their feelings, then I am going to be very susceptible to considering a rezoning on C-1. I will have to see the plans first however.

Commissioner Christensen: I will move that we hold this for 30 days.

Mayor Briare: There is a motion to hold for 30 days. Is there any comments on the motion? (No response). Cast your votes. Motion fails.

Motion failed by the following vote:
Commissioner Christensen voting aye;
Commissioners Woofter, Lurie, Leavitt
and Mayor Briare voting no.

Commissioner Lurie: There has been a lot of good comments made by both sides this morning. I had a concern about the area when it was initially zoned commercial, and why it wasn't developed at that time. There had to be a reason why the area in the red (referring to the map), that is zoned R-1 now, that was zoned C-1 with the Resolution of Intent, why the Commission at that time when it zoned it C-1, if it wasn't developed wanted it reverted back to C-1, and not another zone. I don't believe it will ever be developed the way it is before us now. All that area that is zoned R-3 is just out of proportion. That plan has to be revised, and be brought back before reconsideration. In the particular area that we are talking about as far as apartments, and I have brought this up before. Between Oakey, and Rancho, and the outside borders of the City Limits, we have over 2700 apartments already built, not including this orange land here that is zoned R-3. Also the land on the other side of Decatur behind Grand Central. I think we are getting an over density in this area with apartments. That is my main opposition, but I would like to see an overall plan of that piece of property brought in with the commercial development. I think that is the only way that that can go along Decatur.

Z-137-77 At this time I will move that this application be denied, and
Continued we follow the recommendation of the Planning Commission.

Mayor Briare: Comments on the motion? (No response). Cast your
votes. Motion is approved the application is denied.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
and Mayor Briare voting aye; Commissioner
Christensen voting no.

(Commission Meeting recessed at 10:45 A.M.)

(Commission Meeting reconvened at 10:55 A.M.)

ZONE CHANGE
Z-138-77
DEBORAH EPKES
Denied

Mayor Briare: The next item is Z-138-77.

Mr. Saylor: This property is located on Arville, at the
interesection of Del Monte, and Charleston to the North.
All the property in this general area is R-1, and R-3.
The Woolco Shopping Center is to the North. We did allow
commercial and a P-R on this corner across from the
commercial development, however, when you get South of
Mountain View it is all residential. The request is to change
this to P-R. The Planning Commission has found that it would
not be in keeping with the established development pattern in
the area. They have recommended denial of the application.
There were four protests opposing this by the property owners
in this area. They were opposing the office classification
indicating they wanted to keep it commercial.

Mayor Briare: Is the applicant present? Do you wish to add
anything to your proposal? (Negative reply). Is there anyone
to protest this application? (No response).

Commissioner Lurie: Move we follow the recommendation of the
Planning Commission.

Mayor Briare: Comments? (No response). Motion is approved,
the application is denied.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Christensen,
and Mayor Briare voting aye; noes none.
Commissioner Leavitt temporarily absent.

ZONE CHANGE
Z-139-77
DAVID P.
BOYER
Approved as
Recommended
by
Planning
Commission

Mr. Saylor: This is a proposed continuation of the
Lewis Homes Development, South of Oakey, West from Jones.
This has already been developed for R-1 purposes. You will
remember that we had a substantial protest factor in the R-E
property owners. Part of the protests were the drainage
problem. This is a continuation of that subdivision. This
still would remain some three hundred feet between this, and
Jones. The corner has been zoned commercial. The Planning
Commission has recommended approval. There were 3 protests.

Z-139-77
Continued

Mayor Briare: Is the applicant present?

G. C. Wallace: I am the consulting engineer representing Lewis Homes. Lewis Homes is the developer, who purchased the property from David Boyer.

Mayor Briare: Is there anyone who wishes to be heard in opposition to this application? (No response).

Commissioner Lurie: Are these lots going to be the same size, and the same thing, or type of home that is being built in the present subdivisions?

Mr. Wallace: Yes.

Commissioner Lurie: I move for approval.

Mayor Briare: Motion is to approve. Comments on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lure, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

TENTATIVE
MAP
WILDWOOD
NORTH

Mr. Saylor: These two items are intimately related. One is a tentative map, and one is a final map. It involves property located West of Rancho Drive. The Planning Commission recommends approval subject to the conditions.

FINAL MAP
WILDWOOD
NORTH, Both
Approved
as
Recommended
by
Planning
Commission

Commissioner Lurie: I move for approval items M and N.

Mayor Briare: Motion is to approve. Comments on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

REQUEST
FOR
REHEARING
Z-86-77
Denied

Commissioner Leavitt: I asked that this be put on the agenda. I received correspondence from a representative of the applicant, who protested that at the time of the hearing on this application. That he felt that he hadn't been given an adequate change for rebuttal. I merely put this on the agenda for the Commission to consider that rehearing. I also asked the City Clerk to notify the applicant to be present today to present his case for a rehearing. I have been assured that that has been done, and he is not present.

Commissioner Lurie: I believe first we have to vote whether we want to rehear it, and if we do then we have to schedule it for a time, and place it on the agenda.

Commissioner Leavitt: Is it four months that you can reapply?

Mr. Saylor: The first time.

Z-86-77
Continued

Commissioner Leavitt: Well I am not requesting any action at this time because he isn't here to present his case.

Commissioner Christensen: Well he was aware that this was going to be today. I wonder if he was confused on the time.

Commissioner Leavitt: I would request that we hold this until the end of the meeting then.

Mayor Briare: If there is no objection then, we will hold it until the end of the meeting.

ANNEXATION
A-6-77
D.A.I. INC.
Approved

Mr. Saylor: We discussed this with you at the last meeting, and there were some questions that was held in abeyance. Mr. Harris is here representing the applicant. It involves 5 acres of land at the Southeast Corner of Decatur, and Penwood. We developed a map showing the on going construction in the area. We have here some 232 units, about 18 per acre. A townhouse development at 11 per acre. Apartments here about 22 an acre, and immediately to the South is a 22 acre apartment house construction. They are talking around 20 per acre. It is zoned R-4 in the county, however we can logicially annex it not at our R-4 designation, but at essentially the same density as in the County which would be R-3. To the North in the City we have an R-3 apartment house development. One of the questions was, "why do they want to come in to the city?" Mr. Harris has advised me that even though the County sewer system is available, that it is not adequate. Therefore, the prime consideration is that they need access to the sewer because of the inadequate facilities of the Sanitation District.

Mr. George Harris. I was at a meeting last week, and I had to leave because I was scheduled for a plane for a meeting in Carson City. I am sorry I inconvenienced you.

Mayor Briare: The question before us is, shall the commencement of this matter take place?

Commissioner Lurie: That is a good point you brought up about the sewer. That is a problem because of the density in the area. What kind of an overall is that going to place on our system?

Mr. Saylor: These annexation petitions are forwarded to the Public Works, and we received comments from them, and they have not indicated any problems of any kind in terms of our sewer system being able to handle it.

Mayor Briare: Comments? (No response). What is the pleasure of the Board?

Commissioner Leavitt: Move for approval.

Mayor Briare: Comments on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Leavitt, Christensen, and
Mayor Briare voting aye; Commissioner Lurie voting no.

ANNEXATION
A-6-77

Mayor Briare: Incidentally Mr. Harris when it comes time for the hearing on annexation, at the last meeting there were questions asked about the zoning being carried forward. That matter is going to be brought up, because it is a little bit of concern to me. I was not aware of the fact that zoning carries forward. If it is zoned by the County, and then it is annexed in to the City that that zoning stays the way it is, or the one that is most compatible to the City Ordinance. I wouldn't want you to give the impression that because I voted to begin the process, that I am going to vote when it comes up.

Mr. Harris: There is another hearing or something?

Mayor Briare: This is only the beginning of a long lengthy procedure. Mr Saylor's office will be in touch with you to tell you from time to time how this thing is progressing.

Mr. Harris: Is there an estimate of the timing.

Mr. Saylor: A rough one would be a couple of months.

Commissioner Lurie: I would like some additional information also. You mentioned the low cost housing. That bothers me that that low cost housing is going in there along Decatur. That is one of the reasons that I am not supporting this petition to annex. It is a low cost housing project with additional low cost housing going in right now. That is going to overload the City sewer, and eventually we are going to have to go in there and increase the size of those sewage pipes to handle the new areas. It is going to be an increase in cost to the residents that already live out there. I think that area with that low cost housing is going to have an affect on the resale of a lot of the property, and a lot of the homes in that particular area right now.

Mr. Harris: It is my understanding that this is not the low type housing. It is considerably better, and the density is not as much as would have been permitted in the zoning.

Commissioner Lurie: Well we are going to watch it. Mr. Saylor is going to keep giving us update reports on what is going on out there.

Mayor Briare: Thank you very much.

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 77

PHONE 386-6011

Commission Action

Department Action

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

Item "J" continued . . .

west line of Fairacres Subdivision and extending south from Oakey a distance of 1260 feet.

From: C-1 (Limited Commercial) and
R-1 (Single Family Residence)

To: R-3 (Limited Multiple Residence)

Proposed Use: 176-unit apartment complex.

Planning Commission recommended DENIAL (6-yes, 1-no vote) because they did not feel the proposed apartment development would be compatible with the surrounding single family home development.

PROTESTS: Approx. 250

Commissioner
Christensen
voted "no"

Director
authorized
to proceed

K. ZONE CHANGE - Z-138-77 - DEBORAH EPKES

Property located at 1553 Arville Street, on the northeast corner of Del Monte Avenue and Arville Street.

From: R-E (Residence Estates)

To: P-R (Professional Offices & Parking)

Proposed Use: Offices

Planning Commission unanimously recommends DENIAL because they did not feel the requested P-R zoning would be compatible with the surrounding residential development.

PROTESTS: 4

Approved as
recommended by
Planning
Commission
Lurie - unanimous

Clerk to notify

Director
authorized
to proceed

Commissioner
Leavitt did not
vote -
temporarily absent

L. ZONE CHANGE - Z-139-77 - DAVID P. BOYER

Property generally located on the north side of O'Bannon Drive, 300 feet west of Jones Boulevard.

From: R-E (Residence Estates)

To: R-1 (Single Family Residence)

Proposed Use: Single Family Homes.

Planning Commission recommends APPROVAL (6-yes, 1-no votes).

PROTESTS: 3

Approved as
recommended by
Planning
Commission
Lurie - unanimous

Clerk to notify

Director
authorized
to proceed

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977

Commission Action

Department Action

II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT CONTINUED

M. TENTATIVE MAP - WILDWOOD NORTH

Property generally located at the southwest corner of Mirimar Drive and Catalina Avenue, R-1 zone.

Owner/Subdivider: M. L. Enterprises
No. of Acres: 9.6+ No. of Lots: 44

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
2. Street names to be provided in accord with the City's Street Name Policy.
3. Subject to all conditions of City departments and State Subdivision Statutes.

N. FINAL MAP - WILDWOOD NORTH

Property generally located at the southwest corner of Mirimar Drive and Catalina Avenue, R-1 zone.

Owner/Subdivider: M.L. Enterprises
No. of Acres: 9.6+ No. of Lots: 44

Planning Commission unanimously recommends APPROVAL subject to the following conditions:

1. Approval of the Tentative Map.
2. Conformance to the conditions of approval on the Tentative Map.
3. Street names shall be provided in accord with the City's Street Name Policy.

Items M and N
Approved as
recommended by
Planning
Commission
Lurie - unanimous

Clerk to notify

Director
authorized
to proceed

AGENDA

City of Las Vegas

December 21, 1977

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977

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II COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
CONTINUED

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Item "N" continued . . .

4. Subject to code requirements and design standards of all City departments.
5. Meet the requirements of State Subdivision Statutes.

O. REQUEST FOR REHEARING - Z-86-77

Determination by the Commission whether or not to conduct a rehearing on the zoning request of ROBERT F. ROBBINS for property generally located on the west side of North 27th Street between Searles Avenue and Demetrius Avenue extending west from 27th Street approximately 400 feet.

From: R-1 To: R-3
Proposed Use: 80-unit apartment complex

Application denied by the City Commission on 9-21-77.

PROTESTS: Approx. 200

P. ANNEXATION A-6-77 - D.A.P., INC. (Addendum No. 2 Item) Tabled at 12/14/77 Meeting

Property located at the Southeast corner of Decatur Blvd. and Pennwood Ave., containing approximately 4.7 acres

See Page 12

See Page 12

Denied
Leavitt -

Staff
to proceed

Commissioner
Christensen
Abstained

Clerk to notify

Approved
Leavitt

Staff
authorized
to proceed

Commissioner
Lurie voted "no"

See Page 47 of these minutes - Annotated Agenda

ADMINISTRATIVE AGENDA

LAURENCE HAMPTON, P.E., ACTING CITY MANAGER

REVAMPING OF
CODE
ENFORCEMENT
AND NEIGHBORHOOD
PRESERVATION
PROGRAM
Approved
as
Recommended
Subject
to Review
at end of
six (6)
Months

Mr. Hampton: The first item is the revamping of the Code Enforcement and Neighborhood Preservation Program. I make reference to the memo to you. The only real changes involved aside from the transferring of employees from one department to the other, is the upgrading of two employees from a grade 38 to a grade 40. These will be the people that are existing housing code inspectors. They would remain in the Department of Planning and Community Development. They would be upgraded two steps. There would be housing counselors which would be a step 38, housing inspectors, and the regular building inspectors. There would be three different levels of responsibility in that particular area. We are also proposing that two CETA employees be assigned to the Department of Community Development to assist the two housing code inspectors. Also this would set up an in house training for inspectors. So rather than go over the proposed change in detail, I will be happy to answer any questions. The one question that might come up is, why am I proposing this. This has been studied over the past three or four months, and I would really hate to pass this responsibility on to the new City Manager. We have been familiar with this program while I was with the Public Services Department. This is something that the City Manager should reevaluate in six months. To see if the changes are beneficial. I would recommend that this be approved.

Mayor Briare: It is a mistaken impression, however, that these inspectors are going to be knocking on doors, and snooping trying to find anything. I think that impression is an inaccurate impression. Any comments by the Commissioners?

Commissioner Lurie: You are recommending that we adopt the program, and then review it in six months?

Mr. Hampton: I believe the City Manager should review it in six months to see if, and of course he could report to you if there was any changes to be made.

Commissioner Lurie: I would move that the recommendation be approved, and that it be brought back for review in six months.

Mayor Briare: Comments? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt, Christensen
and Mayor Briare voting aye; noes, none.

REQUEST
THAT
ACTION BE
TAKEN TO
ALLOCATE
CITY'S SHARE
OF HIRING
25 POLICE
OFFICERS AT A
COST OF
\$202,000.00

Mayor Briare: The next item is the request for the City's funding of 25 police officers at a cost of \$202,000.00.

Mr. Hampton: I make reference to the memo I sent you, which indicated that in lieu of the \$202,000.00 when we consider the time necessary to acquire these officers, and rechecking the salaries; instead of \$202,000.00, this would be \$103,500.00. In answering some of the questions that Commissioner Christensen asked, we talked with Bart Jacka, and he indicated that the request did not reflect the new negotiated salaries. He also indicates that there would be no additional police vehicles, nor any additional support staff required. He also indicated that it would be on an as needed basis, that is the deployment of these personnel, and was unable to require the areas which they would require additional personnel at this time. He is saying that he doesn't know where they are going to be needed.

Commissioner Christensen: In the discussion for the money we were talking about the; AB 17 required that some of these funds changes take place at the time the Bill was signed.

Mr. Hampton: No, shortly after that it took effect July 1, 1977. I believe the Bill was signed in May, so there was a period of approximately one month before the changes were made.

Commissioner Christensen: That is one twelfth of the actual two million dollars that we didn't get on the Bill. I think it was figured out that those changes would reflect the cost, roughly two million dollars a year profit going in to the County General Fund from the operation of the Police Department. What we ended up with one twelfth of two million dollars continuing to go in to that fund after the law was signed.

Mr. Hampton: Also the original request reflected an allocation for one year, and what we have pointed out is the most logical thing to do, would be to fund it for the remainder of this fiscal year, and use a budgeting process to include these officers for fiscal year 1978-79.

Commissioner Christensen: Well I have no fight with additional police officers. I think we need additional police officers, but I think we have got to make the public realize, and maybe realize ourselves someday, that the only thing that this Commission has to do, and I am referring to the Police Commission. The only thing the Police Commission has to do with Metro is approve, or not approve the budget. If these police officers are going to be deployed as needed then they can be deployed at the airport. The residents of the City of Las Vegas are going to be asked to kick in another \$202,000.00 for extra police officers, that we may never see in the City of Las Vegas. We have no guarantee that we will see these personnel protecting the people who are going to have to come up with the money to pay for it. In addition to them coming up to pay for the Countys half too.

ALLOCATION
OF CITY'S
SHARE OF
HIRING
25 POLICE
OFFICERS
(Continued)

I see nothing wrong with hiring more policemen, providing we have the funds, and providing we get to have some say as to where these policemen go. I just can't see subsidizing another entity with the tax money that is earmarked for this entity. I am not against police. I am very much in favor of the police department. I think they are doing a good job considering what they have to work with, but I think some day we have got to sit down and say, "Hey, no more money until we get more police in Las Vegas."

Commissioner Lurie: I feel that we have waited long enough, and in setting aside money for hiring additional police officers. Crime has no boundaries, whether it is the City, or County, we all live here, and we all need the police protection. These people who would be hired would be deployed by the Sheriff who is a competent individual, in seeing that the men are put into locations that are best needed to protect the residents who live in Clark County. If there is a question about money due, the County from the City, then the City Attorney should be instructed to prepare the necessary legal papers, and let's sue the County for any money we feel is due the City from the legislation that was passed under AB 17. There are two suits that I would like to see filed. One is the one I just mentioned, and the other one is possibly a suit to get back our Police Department, and have our own Police Department like every City in the State of Nevada has except for Las Vegas. Then we could deploy the people in the areas that we feel is best suited for the protection, as we feel the citizens that live in Las Vegas should be receiving. I can't get any support to file that law suit until such time as we have an answer on the suit concerning the Fire Department. I think they are both intermingled there, and I would instruct the City Attorney to prepare that suit just in case we have to take that to court. I think we are losing police protection by this merger, but I don't see any way to get out of it unless we take it to court, and go through the necessary channels. I think this money being set aside is needed, and I support the additional monies to hire the additional police officers.

Commissioner Leavitt: I disagree with what Commissioner Christensen says. I agree with most of the points that he made, however, you will recall that we had in the past appropriate money to the Metropolitan Police Commission earmarked for certain particular uses. I think we can still do that now if you so desire. You will recall we appropriated \$60,000.00 to be used for vice officers in the downtown area. If it the desire of this Commission that monies should be used, and earmarked for more police officers in the City, then we should so state. I think we have the authority to condition that money on that basis. That if we are going to hire 25 additional police officers, that we have some kind of assurance that half of these police officers will be used in the Metropolitan City of Las Vegas area.

ALLOCATION
OF CITY'S
SHARE OF
HIRING
25
ADDITIONAL
POLICE
OFFICERS
(Continued)

Commissioner Christensen: To be realistic you can't really do that. If we have in the past earmarked money for four vice officers downtown, and we earmarked it for 13 police officers to be used in the City of Las Vegas, then we actually have control over 17 police officers that we can use in the City of Las Vegas, and then pull all the others out. You can earmark these to be in the Limits of the Las Vegas City limits area, but since we do not say where the rest of them can work, that is real easy. We will just say the first 13 police officers on the list go to the City of Las Vegas, and then they will take 13 off the bottom of the list, and shift them to the County to offset it, which we don't control. Realistically we really don't. We can't tell them that the downtown force must be increased by 13. I think that is a mistake to do that anyway. I think that hamstring the sheriff too much. He has to use his people where he needs to. I am not interested in funding any more police officers, however, on an as needed basis. I think we have got to get police protection for the City of Las Vegas.

Commissioner Leavitt: Well I think the proper place for that to come up is for us to represent this to the Metropolitan Police Commission.

Commissioner Christensen: If you read the law, we don't have that choice of the Metropolitan Police Commission, we have to do with budget. That is the only jurisdiction we have is budget, or money matters.

Commissioner Leavitt: Well that is pretty important though. If you control the money, you can sometimes control how it is spent.

Mayor Briare: Would one of the members of the Police Commission tell Commissioner Woofter and myself; is this something that has been before the Police Commission? If so has the County Commission indicated that they are willing to put up a similar amount to make the total of that which is required for 25 new police officers?

Commissioner Lurie: I can answer that. I asked for this to be placed on the Police Commissioners agenda, and it was placed on their, and it was held until such time as it was brought back to both the City and the County to set aside the funds. I am bringing it before us to take the lead, and then if we vote to approve it then I would request the same amount of money be set aside in the County. If it was approved there, then it would go before the Police Commission.

Commissioner Christensen: Did we in fact take this lead before, and they failed to act on it?

Commissioner Lurie: I don't think they acted though. That is why we are bringing it up again. We can't find any record that it was ever acted upon, so that is why we are starting the process over again.

ALLOCATION
OF CITY'S
SHARE OF
HIRING
25
ADDITIONAL
POLICE
OFFICERS
(Continued)

Mayor Briare: Is it correct to assume then Commissioner, that if you make a motion to approve this, that it would be contingent upon the contribution of a like amount by the County Commissioners?

Commissioner Lurie: That is the motion.

Commissioner Leavitt: For the City's share.

Mayor Briare: Then the next item that will come before this Commission will be the question of coming up with the money to hire additional jail personnel. Would one of the members of the Police Commission care to elaborate on....

Commissioner Christensen: I would like Mr. Hampton to give us the figures, and let's make it a public record, of what our police budget was the last time we had a police department, and what our share of the police budget is now. Then I would like to know what it is projected to be next year.

Mr. Hampton: I don't have the ones going back to what the budget was originally.

Commissioner Lurie: The 1973 budget was 8.7 Million Dollars. That is when the two departments were merged. I believe our share last year was twelve million and ninety two thousand, or something like that.

Mr. Hampton: Our share for this fiscal year is twelve million one hundred thousand. We have budgeted for twelve million three hundred thousand.

Mayor Briare: Well we strongly suspect that the City budgets are going to have to be searched pretty good to come up with some additional money for jail personnel. Knowing that in advance, I would sure like the Commission to consider both of these things now.

Commissioner Christensen: I would have to say that since three members of this board sit on that Police Commission, and unless the three members of this Board, which is a majority sit on that Police Commission, and unless they vote to cover that budget to whatever the judge tells us we have got to cover for jail, we will all be in jail with the exception of two of us. I don't think us three are going to do that. You have so much money in the pot, and the more you take out for one service the less you have for another service. If the federal judge tells us we must build this jail, and we have to pay for half of it which was a County responsibility Constitutionally, and if we have to pay for increased detention people in this jail, and all of these things. If we have to eliminate some things to do it, then that is what is going to be required.

Mayor Briare: Well you are a member of the Police Commission. I am just simply asking the question that if that comes about, and there is reason to believe that it will, where will the City get its money to pay for additional jail personnel?

ALLOCATION OF
CITY'S SHARE
OF HIRING
25

Commissioner Christensen: Where ever we have to. I will do anything I have to to keep from going to jail.
I am not going to go to jail.

ADDITIONAL
POLICE
OFFICERS
(Continued)

Commissioner Lurie: I believe part of this will be addressed in the 79 session of the legislature about getting some additional dollars in the Clark County to help get us some relief from some of the problems that they have placed on us. A good question that I have raised many times, and one of the points about our suit may be to get our Police Department back is just how many additional persons would have been hired on the projected budget of 8.7 million compared to almost 13 million that we are paying now. How many additional people, and cars, and helicopters that we had in the City, how would the budget would have increased percentage wise on the Metropolitan Police Department, compared to if we just had our own Police Department? I think you have a good case there attorney if you want to put something together.

Mr. Sloan: Well the case which the County relied on so heavily on the Fire Merger suit in which Mr. Bartley relied on his opinion to the Commission, that has just recently been reversed in federal court. We are really optimistic that we will win the Fire Merger suit, which will cast some doubt on the advisability of filing a law suit on the Police merger. If and when that suit is determined by the Supreme Court we will take a close look at the Metropolitan Police Commission. Obviously if the opinion casts doubt on the legality of it, we will take appropriate action.

Mayor Briare: Is your motion going to be for the balance of the year ending June 30th?

Commissioner Lurie: That is the way it would have to be.

Mayor Briare: Well we have money in the budget now to take care of the balance of the fiscal year.

Mr. Hampton: We have budgeted in excess of \$238,000.00.

Mayor Briare: So the answer is yes, we have the money available now. So as far as future committments on these officers, as far as their future is concerned, and as far as any personnel that might come about as a result of a court order to hire more jail personnel is concerned, then that will be in a future budget.

Mr. Hampton: No, the \$220,000.00 that has been requested for additional detention officers, coupled with \$103,000.00 would require another \$323,000.00. We would be in a deficit of \$85,000.00.

Mayor Briare: Where will that \$85,000.00 come from?

Mr. Hampton: It would have to be taken from other programs.

Mayor Briare: I am going to vote in favor of the motion as I understand the way Commissioner Lurie is going to propose it. I also want to indicate that when it comes time to take monies from other programs, I am going to hope that the proponents of this move will also be able to tell the taxpayers which services they are

AGENDA

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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IV (a) ADMINISTRATIVE AGENDA
LAURENCE HAMPTON, P.E. ACTING CITY MANAGER

1. REVAMPING OF CODE ENFORCEMENT AND NEIGHBORHOOD PRESERVATION PROGRAM
2. REQUEST THAT ACTION BE TAKEN TO ALLOCATE CITY'S SHARE OF HIRING 25 POLICE OFFICERS AT A COST OF \$202,000.00 (Addendum No. 2) . . .

Approved as recommended
 SUBJECT TO REVIEW
 at end of six (6)
 months
 Lurie - unanimous

Approved subject
 to like approval
 of the Clark County
 Commission
 Lurie

Staff
 authorized
 to proceed

Commissioner
 Woofter voted "no"

C/M to proceed

Commissioner
 Christensen did not
 vote - temporarily
 absent

Z-118-77
(Continued)

Mayor Briare: We have a couple of items that are being held that we can take care of now. One is for Gary Davis.

Mr. Gary Davis: I have a piece of property on Bonanza Road. It is in an R-E Zone. The problem I have is that I want to use part of the property as a landscaping business. To have my equipment stored there, and to maybe sometime turn it in to a nursery. The entire area to me seems like it is going commercial. Not to long ago there was a musicians union there, and at that time I was turned down because it would not be a good move for the area, that it would ruin what was there. The entire area there is desert area. As a matter of fact there is a for sale sign there saying, "This Property is Zoned Commercial." I don't know how many of you gentlemen have been down the Bonanza Road area from Lamb down to Nellis, but I feel the time is right for commercial development in the Bonanza Road area. I don't think it would be a bad decision of this Commission to change the entire area. All of Bonanza Road. That is a major thoroughfare through the Eastern side of the City. I have a contract with Carson Construction, and they were supposed to be here to represent me. I would be happy to answer any questions myself however.

Mayor Briare: You want to use it for your landscaping business?

Mr. Davis: Yes. There is 2.4 acres. I gave property to the school, and property for the road. There is a small two bedroom house in the back portion, and I was going to zone this R-E because of the school being so close. It is a buffer between the rest of my property, and the school.

Mayor Briare: Are you aware of the comment made relative to the Planning Commissions denial that said they recommend denial because they felt the C-1 Zoning requested would not be compatible with the surrounding R-E. Staffs comment says, "it becomes a question of whether or not we want to start a process of extending commercial zoning all along Bonanza, or attempt to somewhat concentrate it at the major street intersections. It would appear that this request is somewhat premature, and no definition of a land use pattern has emerged yet in this particular area." Of course in order to get a definition of land use somebody has to be the first one. Mr. Saylor if the request is premature, and no definition of a land use pattern has emerged yet, then what could come about to try to expedite the land use? Is now the time?

Mr. Saylor: I don't believe it would be a proper way to go about determining the proper land use pattern, to take one small isolated piece and zone it commercial, and by doing this we are going to go commercial all the way. We do have commercial here at Nellis, and in this vicinity. (Pointing to the map). As you get further West there is residential developments taking place in part along here. We suspect that there will be residential patterns developing in this area also.

Mr. Davis: Some of that is zoned for mobile home parks is it not?

Mr. Saylor: East of the flood control channel.

Z-118-77
Continued

Mr. Davis: East of the Flood Control, and on the corner of Lamb, and Bonanza, is not one of those corners also designated for a mobile home park?

Mr. Saylor: Not at the corner no. At Lamb and Bonanza we have allowed a commercial pattern. Further South on Lamb there is some mobile homes.

Mr. Davis: Between that 10 acre corner, the Southeast corner I think there is 10 acres there that you have zoned commercial at this time. There are 5 acres on one side of me, who is owned by Mr. Underwood, and there is 5 acres on the other side of me that the people are waiting to see what is going to happen to me before they come before you. Mr. Underwood is going to be before you also.

Commissioner Lurie: You are saying that you think it is good zoning, and you think we should change the whole characteristic of that area between Lamb and Nellis, and open it up to commercial all along Bonanza?

Mr. Davis: I think it would a very good idea.

Commissioner Lurie: Bonanza is one of the Regional Streets and Highway Projects to be approved in the next three or four years. From 25th street all the way out to Nellis.

Mr. Davis: You are aware of the area out there. Also the Salvation Army has 15 acres that they are coming forward to see if they can get it rezoned in the area. They want a commercial venture out there. I don't feel I am out of line at all.

Commissioner Lurie: I need some more time to really review the area as far as the General Plan goes.

Mr. Davis: I feel that if you went down in the area, and you looked at the situation, that I'll pass this Board. I feel also if you don't, and you are talking to your Planning people who, for one reason or another may not choose to have it there, then you may go against me. I am not against giving you the time to drive down there. If you drive down there I am sure I will get passed.

Commissioner Lurie: I would like it held until our next meeting so I have a chance to go back and review the area.

Mayor Briare: Is there any objections by the Commissioners to holding this? (No response). Then it will be held until the next meeting. Commissioner Leavitt is to be recorded as abstaining on this matter.

ALLOCATION
OF CITY'S SHARE
OF HIRING
25
ADDITIONAL
POLICE OFFICERS
(Continued)

Commissioner Woofter: I would like to go back to the last item regarding police funding. I wanted it to be clear for the record that the reason for my "no" vote was in line with Commissioner Christensens comments as well as Mr. Hampton in regards to; well we all know that we always have need for additional policemen but I cannot see taking money away from existing programs to subsidize the amount to go for increasing the police force.

REQUEST
FOR
REHEARING
Z-86-77
(Continued)

Mayor Briare: Now does this Commission want to have a rehearing on the application?

Mr. David Causey: I live at 112 West Wyoming. I represent the record owner of the property. Robert Shaw is in New York, and couldn't be here. I have to apologize. I am sorry I wasn't here when it came up in regular order. At the time that this came up for hearing I stated at the outset of the presentation I made on the hearing, that I wanted to make a rebuttal. The opposition made their presentation, and I was not afforded an opportunity to make a rebuttal. I feel that if I had an opportunity to make a rebuttal, that there might have been some different thinking on the action on the thing. I realize that this is not the time to go in to the merits of the thing, since that would require a public hearing again. I do feel that we were prevented from having a proper, and fair hearing on this.

Commissioner Leavitt: You can start this process all over again in about a month you know. January 21st he can file again can't he?

Mr. Saylor: Yes, in that general area.

Commissioner Leavitt: In the event that we were to grant a rehearing I think everybody would have to be notified again. I am just wondering if it wouldn't be better if you just started over again.

Mr. Causey: Well we add several more months into the total process before a conclusion is made, because we wait a month, and then we have to go through the Public Hearings in the Planning Commission, and then through Public Hearings with this Commission. The history of this particular zoning has been that the Planning Commission has recommended denial in the previous times that it has been granted. This Commission has at least twice approved the zoning requested, over the objection of the Planning Commission in the past. We didn't have a staff recommendation for approval when we went before the Planning Commission, but the Planning Commission carried out its past history of voting for denial. I don't think we gain a great deal by going to the Planning Commission again.

Mayor Briare: Dave if you wanted to have time for rebuttal, and this Commission approved your application, then would you feel that the whole thing should be reconsidered to give you time to rebut the arguments?

Mr. Causey: Well I certainly will agree. You know the only thing I am interested in is obtaining approval. There were some points presented to you by the protestors that I did not feel were accurate, and we were prepared to make a presentation to refute those. We were not afforded the opportunity, and I think it might have changed the outlook of some of the Commissioners on the thing.

Mayor Briare: I was thinking then if somebody in the audience this morning felt that an action by this Commission this morning wasn't exactly what they had hoped for, that they might come back and say that we don't feel like we had the opportunity to rebut.

REQUEST FOR
REHEARING
Z-86-77
Continued

I think that this Commission at some time during a hearing begins to formulate some ideas in their mind. They have to take a shot some time. Obviously the members thought they had enough information to make a fair, and impartial decision. Especially since you are so close Dave. I hate to set a precedent. Mr. Sloan would you make a comment on this particular matter?

Mr. Sloan: There was a previous opinion by our office that a rehearing should not be granted unless there was an allegation of fraud, or misrepresentation. I think it is particularly true in this case where the public hearing contemplated by the ordinance is held in front of the Planning Commission. There is no rule or requirement that you necessarily afford some one an opportunity to open his case, and rebut, although that has been the practice that I have observed. I was present at that meeting, and I don't recall anyone raising an objection at the time that you closed the hearing. I don't recall Mr. Causey coming forward and saying, "just a minute I have something." As a lawyer if you don't use your objection, then that objection is waived. I think you would be setting a very dangerous precedent if you would now grant him a rehearing. If there has been a wrong the statutes provide a remedy for that. I think the rehearing should be only in a situation where there has been a fraud perpetrated on the Commission, or if there has been a material misapprehension of fact which the Commission itself wants to correct.

Mr. Causey: Well at the time of the hearing one of the first things I said, is that we wanted to make a rebuttal. The protestors presented their side, and the hearing was closed instantly at the end of that protest. We were cut off without an opportunity. Earlier in the meeting your Honor made comments three or four times to other people specifically clarifying the rules under which you operate. The presentators would be allowed to make their presentation, and the objectors would be allowed to object, and the presentator would be allowed to make a rebuttal. That would be on the tapes of those meetings. I feel we were not allowed to make a rebuttal, and I had stated at the start of my presentation that I wanted to make a rebuttal.

Mayor Briare: Well also now there are two members present who were not present at all during that particular hearing. I am precluded now from saying, "well if you want why don't you go ahead and make some comments now that would be in rebuttal." But that in a sense would be giving you the rehearing right here today.

Mr. Causey: I realize that your Honor, and I don't want to do it without the protestors having an opportunity to be here. I am not trying to railroad something through. We filed an application for this...

Commissioner Lurie: Well why are we waiting four months after the fact to come up for a rehearing when you can come back before us in two more months?

REQUEST FOR
REHEARING
Z-86-77
Continued

Mr. Causey: I filed an application for this in a matter of days after the hearing. We went through all this time trying to figure out how to get on the agenda. It was in the City Attorneys Office for a few weeks, and then we got a response from Mr. Stewart that the Commission had to bring it up. I have been since that time trying to figure out how we get it on the agenda.

Commissioner Leavitt: Well that was one of the reasons why I requested to have it put on the agenda today. I didn't indicate whether I would vote for your rehearing, or I wouldn't, but since you indicated you had such a problem of getting it back on the agenda for this Commission to make a determination, then that is the reason I requested it. We have to decide now whether we want to grant you a rehearing. You can refile this application within about 3 weeks, and go through the process again. Just because the Planning Commission has turned you down all the other times doesn't mean they are going to turn you down again. I think it would be advantageous to us if you did do that. Maybe the process should be to refer this back to the Planning Commission. That way you don't have to start your application again. If we had a rehearing now, and we should deny it, then you have to wait six months.

Mr. Causey: I am aware of that.

Commissioner Leavitt: Well if a rehearing were to be granted I would rather have that referred back to the Planning Commission, and that process started over again. I don't think it is necessary to file a new application. Mr. Sloan, or Mr. Saylor, could we at this time refer this matter back to the Planning Commission for a rehearing? Then have the process start there. Without the necessity of filing a new application?

Mr. Sloan: I will defer to Mr. Saylor, but I don't see that in the Ordinance.

Mr. Saylor: The only way that could be done Commissioner, you would first have to take an action to rescind your previous action. Which was denial, and then you would open it up again, and then you would have to have your Public Hearing before this Board before you could send it back. The cleanest way is a new application.

Commissioner Leavitt: I move that the rehearing request be denied.

Commissioner Christensen: I am going to abstain on this, because I wasn't at the original hearing.

Mayor Briare: Comments? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woolfer, Lurie, Leavitt
and Mayor Briare voting aye; noes, none.
Commissioner Christensen abstained.

(Commission Meeting recessed at 12:00 P.M.)
(Commission Meeting reconvened at 1:30 P.M.)

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BOARD OF CITY COMMISSIONERS
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CITY COMMISSION - REGULAR MEETING - MINUTES - DEC 21, 1977 Commission Action

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Page 53 III. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

1:30 P.M.

*CONSENT AGENDA

All matters listed under Items A, B, and C, are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

*A. CHARITABLE SOLICITATIONS PERMITS
(Approved by the Solicitations Review Board)

1. AMERICAN JEWISH COMMITTEE -- tickets to a dinner
2. EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN & ADULTS -- mail campaign; sweepstakes mailing; telethon; door to door solicitations; sale of tickets and balloons for haunted house and Santa's castle
3. U. S. NAVY MEMORIAL FOUNDATION-- tennis tournament benefit
4. AMERICAN BUSINESS WOMEN'S ASSOCIATION, MOJAVE ROSE CHAPTER -- tickets to a fashion show
5. ARTHRITIS FOUNDATION -- tickets to a fashion show; a telethon; general solicitations
6. BONANZA HIGH SCHOOL BAND -- a candy sale

Items 1 thru 26
Approved
as recommended
Lurie

Commissioner
Woofter did not
vote - temporarily
absent

Director
authorized
to issue

AGENDA

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III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

*A. CHARITABLE SOLICITATIONS PERMITS
(cont'd)

7. BONANZA HIGH SCHOOL WRESTLER-ETTES -- pledges for a marathon
8. CHURCH WOMEN UNITED, LAS VEGAS COUNCIL -- a Christmas tea
9. COMPREHENSIVE ALCOHOLISM RECOVERY SERVICES OF NEVADA -- general solicitations
10. DISABLED AMERICAN VETERANS, CHAPTER 11 -- sale of "forget-me-nots"
11. GAMMA PHI DELTA SORORITY, ALPHA RHO CHAPTER -- tickets to a New Year's Eve Party
12. GAMMA PHI DELTA SORORITY, BETA ETA THETA CHAPTER -- tickets to a ball
13. GERMAN AMERICAN SOCIAL CLUB OF NEVADA -- tickets to the Mardi Gras Ball
14. GIRLS CLUB OF SOUTHERN NEVADA -- raffle tickets
15. HYDE PARK JUNIOR HIGH SCHOOL BAND -- a candy sale
16. INDIAN SPRINGS HIGH SCHOOL YEARBOOK -- sale of advertising space

See Page 14

See Page 14

AGENDA

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Page 55 III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

*A. CHARITABLE SOLICITATIONS PERMITS
(cont'd)

See Page 14

See Page 14

17. KAPPA SIGMA FRATERNITY -- sale of Christmas trees
18. LADIES PHILOPTOCHOS SOCIETY -- a rummage sale
19. LAS VEGAS JAYCEES STATE FAIR -- sale of booth space
20. NATIONAL FEDERATION OF THE BLIND -- a candy sale
21. NEVADA ASSOCIATION OF LATIN AMERICANS -- raffle tickets
22. NEVADANS FOR ERA, INC. -- sale of Christmas trees
23. PLANNED PARENTHOOD OF SOUTHERN NEVADA -- general solicitations
24. RANCHO HIGH SCHOOL NEWSPAPER -- sale of advertising space
25. DELL H. ROBISON JUNIOR HIGH SCHOOL -- a cheese sale
26. ST. JOHN CHURCH OF GOD IN CHRIST -- tickets to a dinner

*B. GAMING -- Additional

Approved
Lurie - unanimous

Director
authorized
to proceed

1. J. J. PARKER/OPERATOR

Golden Gate
1 Fremont Street
2 slots

AGENDA

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BOARD OF CITY COMMISSIONERS

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III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

*C. RETAIL TOBACCO -- Additional

1. AMERICAN VENDING

Shell Bar
312 North Eastern

Approved
Lurie - unanimous

Director
authorized
to proceed

D. LIQUOR -- New

1. *THE DRAGON
1000 East Sahara Avenue
Restaurant Beverage

Sin Yee Kwok, 100%

Approved subject to
conditions
Lurie - unanimous

Same as above

*Subject to the provisions of the
Planning, Building, and Fire codes
and Health Department regulations

E. RETAIL TOBACCO -- New

1. DAVID'S PLACE
2127 West Charleston

David I. Silverman, 100%

Items 1 and 2
Approved
Lurie - unanimous

Same as above

2. THE ANNEX
121 1/2 So Casino Center Blvd

Exco, Inc. --
Leonard Shapiro, 100% - sole
ofcr/stockholder

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Page 57 III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

F. SECONDHAND LICENSE -- New

1. *SHAMROCK USED FURNITURE
638 North Main Street

Shirley Parslow, 100%

*Subject to the provisions of the
Planning, Building and Fire codes

Approved subject
to conditions
Lurie - unanimous

Director
authorized
to proceed

G. SPECIAL EVENT LIQUOR LICENSES

1. WENDLIN REIGER

Location: 1500 Foremaster Lane

Date: December 31st, 1977

Responsible Licensee:
Wendlin Reiger

Approved subject to
Dir. of Bus. Activity
being furnished
copy of agreement
covering Security at
the premises
Christensen -
unanimous

Same as above

2. DE LUCA LIQUOR AND WINE LTD.

Responsible Licensee:
Robert S. Keyser

Beer and Wine only

December 21st, 1977

Smith's Food King # 379
2909 West Washington

December 21st, 1977

Smith's Food King # 365
3830 West Sahara

Approved on dates
and places specified.
Lurie - unanimous

Same as above

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City of Las Vegas

December 21, 1977

BOARD OF CITY COMMISSIONERS
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PHONE 386-6011

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<p>Page 58</p> <p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>G. <u>SPECIAL EVENT LIQUOR LICENSES</u> (cont'd)</p>		
<p>2. DE LUCA LIQUOR AND WINE LTD.</p>		
<p><u>December 22nd, 1977</u></p>		
<p>Safeway Store # 335 701 Tonopah Highway</p>		
<p><u>December 22nd, 1977</u></p>		
<p>Smith's Food King # 362 22 E. Oakey Blvd</p>		
<p><u>December 23rd, 1977</u></p>		
<p>Smith's Food King # 371 232 North Jones Blvd</p>		
<p><u>December 23rd, 1977</u></p>		
<p>Safeway Store # 349 4750 Vegas Drive</p>		
<p><u>December 24th, 1977</u></p>		
<p>Safeway Store # 333 1100 E. Charleston</p>		
<p><u>December 24th, 1977</u></p>		
<p>Smith's Food King # 361 1221 E. Sahara Avenue</p>		

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III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

G. SPECIAL EVENT LIQUOR LICENSES (cont'd)

2. DE LUCA LIQUOR AND WINE LTD.

December 28th, 1977

Gary's Discount Liquor
1006 E. Charleston

December 28th, 1977

Vegas Village Shopping Corp
1717 South Decatur

December 29th, 1977

Grand Central, Inc.
2120 South Decatur Blvd

December 29th, 1977

Albertson's # 637
1570 North Eastern

December 30th, 1977

Albertson's # 660
3600 West Sahara

December 30th, 1977

Skagg's Drug
1800 East Charleston

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III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

G. SPECIAL EVENT LIQUOR LICENSES (cont'd)

See Page 18

See Page 18

2. DE LUCA LIQUOR AND WINE LTD.

December 31st, 1977

Thriftimart
2200 West Bonanza

December 31st, 1977

Thriftimart
1800 E. Charleston

3. GAMMA PHI DELTA SORORITY, INC., ALPHA RHO CHAPTER

Location: 1401 L V Blvd North

Date: December 31st, 1977

Responsible Licensee:
William Bailey

Approved
as specified
Lurie - unanimous

Director
authorized
to proceed

H. LIQUOR & GAMING -- Change of Ownership/Reclassification

Approved
subject to
conditions
Woofter - unanimous

Same as above

1. *7-11 BAR
711 Ogden Street
From: Package Liquor/Beer Bar
To: General Liquor License

Gaming: 7 Operator Slots

cont'd ----

AGENDA

City of Las Vegas

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Page 61 III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

H. LIQUOR & GAMING -- Change of
Ownership/Reclassification
(cont'd)

See Page 21

See Page 21

I. 7-11 BAR (cont'd)

From: Isadore Flax, 100%

To: B. W. Corporation --
Robert R. Bruce, Pres,
50%
Grover C. Wall, VP, 50%

*Subject to the provisions of the
Planning, Building and Fire codes
and Health Department regulations

DEPARTMENT OF FINANCIAL MANAGEMENT

MARVIN A. LEAVITT, CPA, DIRECTOR

See Page 63 of these minutes - Annotated Agenda

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

See Pages 64 and 65 of these minutes - Annotated Agenda

Commissioner Lurie: I would like a report on hiring, and filling a lot of the slots that we have had open for a length of time here. I think we are getting into a position where we are going to have to take a closer look at the hiring procedures that we are following. It seems like we are getting an awful lot of new positions. I don't know whether all these positions are justified. I would like a report at our next meeting on the positions that we have vacated. Whether or not we should be approving them at this time, or waiting for the reports from the different departments. I also would like to hold Item D(1).

Mr. Hampton: I will be happy to give you a summation on those before the next meeting.

DEPARTMENT OF FUNDS, COORDINATION & PROJECTS

RONALD C. JACK, ACTING DIRECTOR

SET DATE
FOR
PUBLIC
HEARINGS FOR
COMMUNITY
DEVELOPMENT
PROGRAM
Approved
Dates:
Jan 4, 1978
and Jan 18,
1978

Mr. Jack: The first item is requesting the setting of two dates for public hearing for the Block Grant Program. The first date is January 4th, which will give you a chance to review all the proposals that have been submitted for funding under Block Grants, and will give you a chance to receive public comments concerning those. We also at that time will give you a summary of the Housing Assistance Plan, and the grantee performance report. Then the second public hearing on January 18th is actually for you to approve the final application for submission to the A-95 Clearing House, i.e. Clark County Regional Planning Council, and the Governors Office for State planning coordination. We have published the notice on these. We are required by federal regulations to notify people 14 days in advance of the first date. They are tentatively identified then as January 4th, and 18th at 2:00 P.M. in the afternoon.

Mayor Braire: Comments or questions? (No response). Are there any objections to those dates?

Commissioner Woofter: I know for a fact that I am scheduled for trial outside the City on the 17th of January. I will then probably be out of the City on the 18th. Is that the date we are supposed to decide and award?

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1. (b) DEPARTMENT OF FINANCIAL MANAGEMENT
MARVIN A. LEAVITT, CPA, DIRECTOR

*CONSENT AGENDA

All matters listed under items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

*A. SERVICE AND MATERIAL WARRANTS

Nos. L1224 to L1233, L114513,
J408191, K408848, L409313,
L409266 to L409270,
L409273 to L409339,
L409342,
L409343 to L409344,
L409347 to L409383,
L409385 to L409388,
L409391 to L409648, inclusive

In the amount of \$ 3,095,330.60

*B. PAYROLL WARRANTS

Nos. 112344 to 113640, inclusive.

For Pay Period Ending 11/26/77

In the amount of \$ 457,836.03

Items A and B
Approved
as submitted
Lurie - unanimous

Director
authorized
to issue

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IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

AUTHORIZATION TO FILL POSITIONS

A. FEDERALLY FUNDED

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) PS/Animal Care & Control Kennel Attendant Until 9/30/78 (replace vacancy)	\$721	To provide support to feed and care for animals in the Animal Care & Control Center.

Approved
Lurie - unanimous

Director authorized to proceed

B. CITY FUNDED - TEMPORARY

(1) Business Activity Parking Garage Attendant Until 2/8/78 (replace vacancy)	653	To provide adequate staffing for Parking Garages on a 24 hour per day, 365 day per year operation.
---	-----	--

Items 1 and 2
Approved
Lurie - unanimous

Same as above

(2) Fire Services Office Assistant Until 6/21/78 (replace vacancy)	721	To handle filing and continuity of reports and general record keeping in the Fire Prevention Division.
--	-----	--

Approved
Lurie - unanimous

Same as above

C. REIMBURSABLE POSITION

(1) Court Counseling Stenographer (replace vacancy)	758	To provide clerical support in the Court Counseling Division.
--	-----	---

Approved
Lurie - unanimous

Same as above

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IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

D. CITY FUNDED - FULL TIME.

(1) Municipal Court Security Guard Two positions (provide needed services)	\$777	To monitor scanner research and coordinate warrants and subpoenas.	and Abeyance	12/28/77
(2) PS/Animal Care & Control Animal Control Officer (provide needed services)	901	To assist in the enforcement of animal control and licensing ordinances and to add to flexibility in scheduling and relief shifts.	Withdrawn at request of Acting City Manager	
(3) PS/Animal Care & Control Office Assistant (provide needed services)	721	To provide clerical support to Animal Care & Control Center.	Approved Lurie - unanimous	Director authorized to proceed

RESOLUTION OF
THE BOARD OF
COMMISSIONERS
ADOPTING THE
CLARK
COUNTY REGIONAL
PLANNING
COUNCIL (CCPRC)
FAIR SHARE
PLAN AND THE
DESIGNATED
PERCENTAGE
OF SUBSIDIZED
RENTAL
HOUSING UNITS
STATED IN THE
PLAN
Adopted

Mr. Jack: The second item is a Resolution which will adopt the Clark County Regional Planning Council's Fair Share Plan, and the designated percentage for the City of Las Vegas. This is a housekeeping item, as required by HUD. The passage of this will provide an additional 15% of funds being allocated within the area. The City will obtain roughly about 46% of that. This will actually mean that more Federal dollars will be available for housing.

Commissioner Christensen: I understand what this is all about, and I am really in a dilemma, because I realize we have to do this. Every time we sit here in these rezoning meetings we find that we are supposed to have more low cost housing throughout the region, but there isn't any place in the region that wants any low cost housing. How do you accomplish this? I am suspect of anything coming out of the Regional Planning Council. Since I am the Vice-Chairman, I know how suspect those things are. Then we find out that we are talking about low cost housing, and you are not allowed to put low cost housing anywhere, because of the zoning problem, and the protestants, and so forth. What are we going to do with these low cost housings? Isn't one of the requirements that they be spread throughout the Community? What is the next move?

Mr. Jack: It is a legitimate problem.

Commissioner Christensen: Are we resolving that we will allow low cost housing throughout the community if we adopt this Resolution?

Mr. Jack: Well part of these funds would be available to the Housing Authority for them to actually construct public housing.

Commissioner Christensen: Well I know that, but nobody wants them anywhere. What I am trying to figure out is, as an affirmative vote on this Resolution, then would we not be a little hypocritical by taking an affirmative vote on this Resolution, and yet everytime a low income housing project comes up, then we vote it down?

Mayor Briare: You sure would.

Commissioner Christensen: I think the time has come when we are going to have to stand up and say we are either going to allow low cost housing, or we are not going to allow low cost housing. We are going to have to do one or the other. We can't do one on this, and then the other on the next zoning meeting. I hate to be in a position where I vote in favor of something this time, and then next week vote against everything that this is supposed to do. We have had a history of turning down everything that had to do with low cost housing on this Board for some time. Unless it was in an area that is already loaded with low cost housing that HUD didn't go for it any way. Their approach as I understand it, is that you have to get a proper mix throughout the community. They will no longer allow one area to be totally exclusive, and the

RESOLUTION
OF
FAIR SHARE
PLAN
(Continued)

other area to be all low cost. It has got to be spread around. So that we all get the benefits of the low cost housing.

Mr. Jack: Well one thing we will be asking you to look at as part of the Block Grant Program, is actually the Housing Assistance Plan. This will lay out an annual target, and location for assisted housing, and also a three year program for that. It will give you a chance to look at where Staff through analysis, and through looking at compatible areas deems to be appropriate sites for public housing, or for assisted housing. I agree with you, it is a dilemma, and in many cases you will find that neighborhoods are reluctant to allow housing that is publically assisted.

Commissioner Christensen: Well I have just never seen a low cost R-E neighborhood. It seems like that is all we are allowed in this community any more is R-E zoning. It is confusing to me.

Commissioner Lurie: This also takes into consideration the Section 8, where the Federal Government picks up part of the cost of the rent. That program there provides people from living in other areas that they normally can't afford, but the Government picks up 25%.

Mr. Jack: Well they will subsidize so the person is only paying 25% of their income. This really covers all of it. It covers the handicapped, the elderly, large families.

Commissioner Christensen: Which is the same situation that is frequently stated, that if a person is being subsidized for 75% of the payment, then they really couldn't care less how they take care of the place, because it isn't mine. That is the attitude. You don't get much better renters if somebody else is paying the bill. They tend to be a little more careful when they are paying the bill, than when someone else is paying it.

Mr. Jack: One of the programs that was funded through Block Grant funds this last year was the Poor People Pulling Together Program. One of the things they are doing is an educational arm to deal with tenants. Most of whom are assisted in their housing by Federal dollars. In terms of helping the citizens understand their responsibilities in being good tenants, and to work with the landlord, etc. I think this has helped us in some areas. I think we are finding that the renters are taking better care of the property. I think your point is well taken however, that it needs to be worked on.

Commissioner Christensen: Is this Resolution, has it put any regulatory powers on the Regional Planning Council?

Mr. Jack: Not as such. Basically what it does, is that the Regional Planning Council through the Citizens Housing Advisory Committee actually formulates a fixed percentage, which is negotiated annually for each jurisdiction. That would be kind of quasi regulatory, because

RESOLUTION
OF
FAIR SHARE
PLAN
(Continued)

they are essentially saying how much assistance in public housing the City of Las Vegas will be getting. In that sense it is kind of quasi regulatory, but the City is a part of that. By having representatives on the Housing Committee, and also through this process.

Commissioner Christensen: Yes, but we are the minority part.

Mr. Jack: Barely. We are 46.5% on it, but we are a minority.

Commissioner Christensen: I mean as far as determining what the policy is going to be of that, by the Citizens Housing Advisory Committee, or the Regional Planning Council, we are a very minority member of that. You could conceivably have the Cities of Henderson, North Las Vegas and Boulder City get together, and dictate what we are going to do in the City of Las Vegas.

Mr. Jack: Except for example, that if you don't pass this Resolution they cannot achieve a Fair Share Plan. The City has the ultimate recourse of refusing to go along at all. Which would then prevent them from being able to get this plan in adoption.

Commissioner Christensen: In other words if we do pass the Resolution we have the recourse of telling them no deal?

Mr. Jack: Correct.

Commissioner Christensen: If we don't pass the Resolution, then we don't have that recourse? Well it doesn't make any difference, because it won't be funded anyhow.

Mr. Jack: No, what it means is that we would have to deal independently with the Department of Housing, and Urban Development in negotiating what the Federally Assisted Housing Program would be.

Commissioner Christensen: Which is the easiest way for you to do it? Would you rather negotiate with them independently, or through the Regional Planning Council?

Mr. Jack: The way it is now, they can deal with us as they want to. It makes it very chaotic. Usually what happens is that they will go through the year, and won't be active, and then come the later part of the year when they need to dump some money they will come in and encourage you to work with them. You don't really get a chance to orderly develop the process of where housing should be located. I would think the City's interest would be better served by have this kind of an understanding with them. This puts heat on them throughout the year to provide an orderly allocation of funds, and will allow us to more closely monitor that work with HUD. It sort of gives us a bargaining leverage that we don't have now.

RESOLUTION
OF
FAIR SHARE
PLAN
(Continued)

Mayor Briare: Anything else Commissioner? (No response).
Mr. Jack are you aware of the formula for the future distribution of subsidized rental housing units that the Citizens Housing Advisory Committee has come up with?

Mr. Jack: For this year your Honor. It would provide that Las Vegas would be getting 46.5% of the funds. North Las Vegas would be getting 12.5%, and the unincorporated parts of Clark County would be getting 35.8%. Boulder City 1.1%, and Henderson 4.1%.

Mayor Briare: These percentages are percentages of what?

Mr. Jack: Of the total allocation of Federal dollars for Assisted Housing in the region.

Mayor Briare: Which is how much? The nearest figure? This is purely subsidy, or is this construction money? Is this rent subsidy, or is it construction money?

Mr. Jack: The rent subsidy would also be rehab funds for existing facilities.

Mayor Briare: I wish I had an idea of how much.

Mr. Jack: I couldn't even begin to give you a figure there. I would assume that we are talking about five million dollars, or something like that.

Mayor Briare: Of the total, which roughly half of that would be the Fair Share? Well then maybe we are talking about two and a half million dollars, and that would be to remodel, and maintain, and improve existing construction. Will there be new construction going on?

Mr. Jack: New construction is out side of this.

Mayor Briare: Now you have answered my question. Now on page two of the Resolution, the last NOW THEREFORE, when it refers to Las Vegas supports, and endorses to accept its quota, the quota be roughly 46.5% of all these monies?

Mr. Jack: Correct.

Commissioner Christensen: Does this give us the opportunity to say where the money is spent, or does that fall under the Regional Planning Council?

Mr. Jack: Any additional units of housing; well when someone makes application for Federal Funds to either rehab, or to construct new housing, then the City of Las Vegas has a 30 day period to comment on that. Basically what we have to certify is that it is compatible with our Housing Assistance Plan. If we say it is not compatible in terms of need, and location then the Department of Housing and Urban Development has a firm obligation to deny that application.

RESOLUTION
OF
FAIR SHARE
PLAN
(Continued)

Commissioner Christensen: How firm is it?

Mr. Jack: We have never turned one down yet, so I am not sure. The letters come across with Mr. Price's signature, and he is going to be out here in January. We should have him talk to you about that. I think it is firm to the point that if we object, and say it is not compatible with the Housing Assistance Plan, that they will turn it down.

Mayor Briare: Anything else?

Commissioner Lurie: Move for approval of the Resolution.

Mayor Briare: Comments? (No response). Cast your votes.
Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
and Mayor Briare voting aye;
Commissioner Christensen voting no.

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IV. (d)
DEPARTMENT OF FUNDS, COORDINATION AND PROJECTS
RONALD C. JACK, ACTING DIRECTOR

A. Set date for Public Hearings for Community Development Program.

Recommended Dates: January 4, 1978
and
January 18, 1978

Approved dates for
Public Hearings
Lurie - unanimous

Staff to
proceed

B. Resolution of the Board of Commissioners of the City of Las Vegas, Nevada, adopting the Clark County Regional Planning Council (CCPRC) Fair Share Plan and the Designated Percentage of Subsidized Rental Housing Units stated in the Plan.

Adopted Resolution
Lurie

Commissioner
Christensen
voted "no"

Mayor and
Clerk
authorized
to sign -

Staff to proceed

IV(d)-1 DEPARTMENT OF RECREATION & LEISURE
ACTIVITIES - RICHARD CAMPBELL, DIRECTOR

N o n e

N o n e

REPORT ON
MEETING
OF SPEEDROME
Report

Mayor Briare: I would like to have the Commission give some consideration on a meeting that you are going to have Friday. I am looking at the Department of Recreation & Leisure Activity. You have circulated a memo to the Commissioners, which is not a part of the agenda. You are going to have a meeting, and at that meeting you are talking about a possibility of having a Speedrome Operation. I am not asking that any action be taken today, but could you brief us a little bit. I would like to be at that meeting, but I can't possibly be there. This Commission has had a lot of activity about that Speedrome, and I was just wondering if you could fill us in a little bit.

Mr. Hampton: That is on the next agenda. There are three requests from three separate organizations requesting use of the Speedrome. The last meeting in November we approved an organization by the name of Show and Go to have drag races on the 3rd of December, the 17th, and the 31st. The understanding then was that the City Manager would have a detailed report as to what our short and long range goals should be for the use of the Speedrome. Mr. Stanfill has done a study of these types of activities, and other municipalities, and the main purpose of that meeting Friday is for him to report on that little investigation. So that we can formulate some ideas, and whether or not we are going to recommend a permanent operator, or continue on as we are, or whether the City should get in to the business.

Mayor Briare: The reason I wanted to inquire about this, is I wanted to suggest that as we discussed a year ago about the City getting in to the business, only to the point where they would advertise nationally. Where any operator that would like to submit a proposal to the City would take over a total and complete operation, listing what capital improvements they will put in, and showing how they will operate, and what affiliations they will have. I think the potential for a recreation facility is very much needed in this area, and it could be realized if we were to approach it on a more permanent basis than that which we have had since we can only give approval to one at a time.

Mr. Hampton: It is kind of a difficult situation from a legal standpoint. Mr. Prices attorney has told the City that they will not try to get an injunction, or a stay on the taking it over before the appeal. The appeal could run another two years.

Commissioner Lurie: Well Curly Price did appeal Judge Babcocks decision in favor of the City to the Nevada Supreme Court. It could be in litigation for two years. Some of these people who have requested use of the Speedrome; I have requested that they write a letter to the City requesting on an event basis they come before the Commission for our approval. We cannot enter into any type of long term arrangements until the litigation is complete.

Mr. Sloan: I would remind you that this is not on the agenda, and therefore we might not want to belabor it. It is bordering on the question of the Open Meeting Law.

REPORT ON
MEETING
OF SPEEDROME
Report
Continued

Mayor Briare: One of these days it is going to be necessary to challenge that. Here we are elected officials. I already indicated in my preface remarks that I didn't expect any decisions to be made today. He is going to have a meeting, and I can't attend that meeting, and publicly we are searching for a little information.

Mr. Sloan: I understand that your Honor, but the law addresses itself both to deliberation, and decision making. There has been questions asked, and information exchanged, my only concern is that we not get in to a posture where people would begin deliberating the merits of whether or not we should proceed with one course of action, or the other. I didn't write the law I am just indicating that that is an area of concern. The law uses the word deliberate as well as decision making. On Friday staff level meetings will take place, and then they will be back before the Commission a week from today....

Mayor Briare: But the elected officials can have no input?

Mr. Sloan: I suppose you could speak to Mr. Hampton individually when the meeting is over.

Mayor Briare: That would be legal?

Mr. Sloan: Well there would be no quorum. What I am saying is, if you want to deliberate on the subject now my advice would be that that is illegal.

Mayor Briare: I am not going to argue your opinion. There are people sitting right here at this Commission table who are more knowledgeable on these subjects than certainly I am. This has been something that we are in favor of, and we want to see it go off in the right direction. Any other comments?
(No response).

DEPARTMENT OF MUNICIPAL SERVICES..

J. C. CATHCART, DIRECTOR

See Pages 75, and 76 of these minutes - Annotated Agenda

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	<p>IV-e. <u>DEPARTMENT OF MUNICIPAL SERVICES</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>*CONSENT AGENDA</p> <p>All items listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p> <hr/> <p><u>PURCHASING AND CONTRACT ITEMS</u></p> <p>*A. <u>PERMISSION TO RECEIVE BIDS</u></p> <ol style="list-style-type: none"> 1. Aluminum Sign Blanks - Various Sizes (Public Services - Traffic Division) 2. Emergency Care Equipment (Fire Services) <p>*B. <u>AWARD OF BIDS</u></p> <ol style="list-style-type: none"> 1. Bid #77.133 - 100 Each Concrete Litter Receptacles (Public Services - Traffic Division) 2. Bid #77.134 - Swimming Pool Maintenance Supplies (Public Services - Maintenance Division) 3. Bid #77.135 - Replacement Sprinkler Parts (Recreation and Leisure Activities - Parks Division) 4. Bid #77.137 - Two (2) Each Riding Tractors With Trailers (C.E.T.A.) 	<p>Items 1 and 2 Approved as recommended Lurie - unanimous</p> <p>Items 1 thru 4 Approved as recommended Lurie - unanimous</p>	<p>Director authorized to proceed</p> <p>Same as abc</p>

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IV-E DEPARTMENT OF MUNICIPAL SERVICES, CONTD.

C. PURCHASE ORDER APPROVAL

1. Request Purchase Order Approval to Las Vegas Valley Water District, in the estimated amount of \$7,000.00, for meter service at Brush Street Library. This is part of Local Public Works Project, Charleston Heights Library and Arts Center. (Public Services - Design Division)
2. Request Purchase Order Approval to The Norton Corp., Las Vegas, NV, in the amount of \$2,756.62, for repair parts for mowers. Sole Source. (Recreation and Leisure Activities - Parks Division)

Items 1 and 2
Approved as
recommended
Lurie - unanimous

Staff
authorized
to proceed

AGENDA

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IV (f). DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., ACTING DIRECTOR

*CONSENT AGENDA

All matters listed under Items A and B are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.

*A. APPROVAL OF SUBDIVISION PLATS

It is recommended that the following final plats be approved subject to posting of bond and signing of agreements and plans within thirty days. All engineering designs are being processed.

1. Woodland Hills Unit A. (Security Housing Corporation, John S. Stuhmer, President)
2. Watkins Manor Unit No. 4. (H. S. Service Corporation, Robert Banks, Pres.)

*B. RIGHT OF WAY ITEMS

1. Quit Claim Deed
 - From: Rex A. Jarrett, Jr.
 - To: City of Las Vegas
 - For: Portion NE-1/4, Sec. 24, T19S, R60E
Leon Rd. and Dorrell Rd.
Dedication (12/5/77)
2. Right of Way Grand for Drainage Sewer Purposes
 - From: Lewis Homes of Nevada
 - To: City of Las Vegas
 - For: Portion SE-1/4, Sec. 25, T20S, R60E
Sewer easement (12/8/77)
Recorded as Instrument No. 780400 in the office of the recorder, Clark County, Nevada on Dec. 9, 1977.

Items 1 and 2
Approved as
presented
Lurie - unanimous

Staff
authorized
to proceed

Items 1 thru 12
Approved
Lurie - unanimous

Same as above

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IV (f). DEPARTMENT OF PUBLIC SERVICES (Continued)

*B. RIGHT OF WAY ITEMS (Continued)

3. Grant Deed
From: School Board of Trustees
To: City of Las Vegas
For: Portion SW-1/4, Sec. 13,
T20S, R60E
Winwood St. (12/1/77)

4. Grant Deed
From: Las Vegas Valley Water
District, a Municipal
Corporation
To: City of Las Vegas
For: Portion NE-1/4, Sec. 31,
T20S, R61E
Valley View. Dedication
(11/21/77)

5. Grant Deed
From: Las Vegas Valley Water
District, a Municipal
Corporation
To: City of Las Vegas
For: Portion NE-1/4, Sec. 31,
T20S, R61E
Valley View. Dedication
(11/21/77)

6. Grant Deed
From: Thomas L. Powell and
Gail C. Powell, husband
and wife as joint tenants
To: City of Las Vegas
For: Portion Lot 28, Block 6,
Elstner Estates Subdiv.
Decatur Blvd. Dedication
(12/1/77)

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IV (f). DEPARTMENT OF PUBLIC SERVICES (Continued)

*B. RIGHT OF WAY ITEMS (Continued)

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7. Grant Deed

From: Ben L. Ortiz and Dennis R. Piper as tenants in common
To: City of Las Vegas
For: Portion Lot 10, Block 5, Elstner Estates Subdiv. Decatur Blvd. Dedication (9/1/77)

8. Grant Deed

From: Robert L. Westfall and Roxy Ann Westfall, husband and wife as joint tenants
To: City of Las Vegas
For: Portions Lots 12 and 13, Block 5, Elstner Estates Subdivision Decatur Blvd. Dedication (12/5/77)

9. Grant Deed

From: Jon Carlton Black and Sharill A. Black, husband and wife as joint tenants
To: City of Las Vegas
For: Portion Lot 29, Block 6, Elstner Estates Subdiv. Decatur Blvd. Dedication (12/5/77)

10. Quit Claim Deed

From: Las Vegas Valley Water District
To: City of Las Vegas
For: Portion SE-1/4, Sec. 35, T20S, R60E Jones Blvd. Dedication (11/7/77)

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IV (f). DEPARTMENT OF PUBLIC SERVICES (Continued)

*B. RIGHT OF WAY ITEMS (Continued)

11. Grant Deed

From: VTN Consolidated, Inc.
To: City of Las Vegas
For: Portion NW-1/4, Sec. 29,
T20S, R62E
Van Buren Ave. (11/8/77)
Recorded as Instrument No.
770909 in Official Record
Book 811 in the office
of the recorder, Clark
County, Nevada on
November 16, 1977

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12. Quit Claim Deed

From: City of Las Vegas
To: Las Vegas Valley Water
District
For: Portion SE-1/4, Sec. 35,
T20S, R60E

13. Permission to acquire real property
for relocation of Fire Station No. 9.
(Lone Mountain Road)

Approved
Christensen - unanimous

Staff
to proceed

C. REPORT ITEM:

1. Negotiation with Elks
Club.

Report only

NEGOTIATION
WITH ELKS
REPORT

Mr. Purvis: You have in your folder a memo written by myself bringing you up to date, and also a letter from the Elks Club with their proposal in answer to our letter of October 20th. Our appraisal in house was about one million five hundred, and seventy five thousand dollars. The Elks have asked for one million nine hundred thousand, and a suitable acreage for construction of a facility. At this point in time it would appear that we are really not in a negotiating position. We are so far apart that I don't know whether they want a counter offer or what. I would be looking for advice from the Commission.

Commissioner Woofter: I have talked to some of the trustees, and the Exalted Ruler in regards to the letter sent to us, and they state that that is certainly isn't in any way their final counter offer. They would be willing to listen to any further offer on the part of the City. When I was advised that they not only wanted a million nine, but also acreage I said, I myself couldn't even go along with their counter offer. They figured from that comment that there were two chances, slim, and none. I would like to continue negotiations if the Board sees fit to see if there is a possible figure that we could arrive at. I think this is probably the only private piece of property in that whole valley. It is one isolated piece of property amongst all the City owned property. The building is very large, and vast, and could be put to many uses by the City.

Mayor Briare: Are you suggesting that Mr. Purvis be instructed to go over and ask them if they would like to throw another figure out?

Commissioner Woofter: That would be my request.

Commissioner Leavitt: Well it looks like we are about \$325,000.00, and acreage apart. I think we ought to just tell them that their counter offer is not suitable. If they want to make another offer then let them come back with another one. Just tell them that we are going to reject this. If they want to come back with something we can look at fine, but there is no sense playing games with this sort of thing.

Mr. Purvis: This would have to be bought on an MEI appraisal of course. This is our in house appraisal. We feel very confident with this appraisal, but at the same time it could go up a little bit.

Commissioner Christensen: Well I think we instructed the staff to find out this information two years ago, and so far we didn't even get a letter. I think it shows progress.

Commissioner Woofter: I concur with Commissioner Leavitts direction as far as allowing you to advise them that we are turning it down, and it is up to them. I would ask you to further advise them that we cannot go over the appraised figure. Maybe it would be incumbent upon them to get their appraisal, and then they can determine once and for all whether they would be satisfied with giving us that offer.

NEGOTIATION
WITH ELKS
Continued

Mayor Briare: Are they aware of the properties that could be available for horse trading?

Mr. Purvis: Yes we told them that we could give them possibly a corner of Cashman Field, or we could trade. We gave them two or three spots to look at, and they were not interested in any of our offers.

Mr. Hampton: I would like you to authorize that if necessary we be authorized to pay half of an appraisal by MAI.

Mayor Briare: Maybe the City Manager could be authorized to go ahead, and pursue, but lets talk later about the appraisal. I think there are some other things that need to be determined first.

Commissioner Woofter: I think that would come if the Elks were agreeable to sell their property at the MAI appraised value.

Mayor Briare: And they found a piece of property that they could do something with. Do any Commissioners have any objections to having the City Manger proceed along that line? (No response). Florence, would you like to say a few words?

Florence Cahlan: We held a seminar under the auspices of the State Museum here in October which was held in the Elks Lodge. Our director viewed the Elks Building as very adaptable. I have been a proponent of getting that property under public ownership for a long long time. Particularly because it is the most historic area in the valley. I am not in any position at all to do anything but listen today, however, we are very interested in having a State Museum Facility in Southern Nevada. The Museum Trustees both North, and South are supportive of that idea. Although we have failed to get an appropriation from the State Legislature for a study, and preliminary plan there was an order given to the State Planning Commission to review possible sites in Southern Nevada, and make a proposal to the Legislature at its next session. So on January 20th there will be, and that is the reason I wanted to hear what the Elks might be saying. I knew there was a gap between their estimation of the value and the appraisal. I can only listen today since there has been no determination made as to the best locale for this installation. The City owns the old Fort, but only 16 feet around it, and that came about because when the sale was made the deal already was in Escrow, and I learned it did not include the corner of Washington, and Las Vegas Boulevard. At that time Mayor Gragson held up the Escrow, and all that he could get out of that deal was 15 feet of that building, and at least the City owns that. So I feel that we should do everything possible to get it some time.

Mayor Briare: Thank you very much.

CITY ATTORNEY

MIKE SLOAN

See Page 84 of these minutes - Annotated Agenda

VACANCIES - BOARDS & COMMISSIONS

See Page 85 of these minutes - Annotated Agenda

REPORTS FROM RECOMMENDING COMMITTEES

See Page 88 of these minutes - Annotated Agenda

BILL NO. 77-56 Mayor Briare: Commissioner Christensen do you have a report
2nd Reading to make?

Comm Christensen
and Comm
Woofter

Commissioner Christensen: I would like to report this out.

Ordinance No.
1904

A Bill entitled, "AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND TO PROVIDE FOR OTHER MATTER PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH." Read by City Attorney Mike Sloan.

Commissioner Christensen: I move that we hold this Ordinance.

Mayor Briare: Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

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V. MIKE SLOAN - CITY ATTORNEY

A. Contract between the City of Las Vegas and the United States of America by the Lower Colorado Regional Bureau of Reclamation. Contract No. 8-07-300-L0077

Approved
 Lurie - unanimous

C/A to proceed

B. Contract between the City of Las Vegas and the National Aeronautics and Space Administration

Approved
 Woofter - unanimous

Same as above

C. Recommendation for appointment of advisory committee on bail bond business.

Approved
 Christensen - unanimous

Same as above

*D

VI. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE FOR RECOMMENDING COMMITTEE

N
 O
 N
 E

* RESOLUTION TO CHANGE TIME SET FOR THE REGULAR MEETINGS OF THE LAS VEGAS BOARD OF CITY COMMISSIONERS Addendum No. 2)

Abeyance

12/28/77

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VII. VACANCIES - BOARDS & COMMISSIONS
(Addendum No. 1)

A. PARKS & RECREATION ADVISORY COMMISSION
(3-year term)

1. Sam Paternostro - Term expired
12/18/77

Abeyance

12/28/77 Agenda

B. ELECTRICAL EXAMINING BOARD (2-year term)

Terms of the following members expire
2/2/78:

Abeyance

12/28/77 Agenda

1. Harold P. Leary, PE
2. Doyen C. Smith
3. Melvin C. Sutton
4. Aubrey Goldberg
5. John O'Bryan

BILL NO. 77-57 Mayor Briare: Commissioner Leavitt Bill No. 77-57.
2nd Reading

Comm Leavitt and Mayor Briare Ordinance No. 1903
Commissioner Leavitt: I move that the Ordinance be read by Title, then be published, and then be held for Adoption at the next meeting, or do all things necessary to pass this Ordinance.

A Bill entitled, "AN ORDINANCE TO AMEND TITLE I, CHAPTER 5, SECTION 6 TO CHANGE THE NUMBER OF REGULARLY SCHEDULED MEETINGS OF THE BOARD OF COMMISSIONERS FROM FOUR TO TWO; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT THEREWITH." Read by City Attorney Mike Sloan.

Mayor Briare: Comments on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woolfter, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

BILL No. 77-58 Mayor Briare: Bill No. 77-58. Commissioner Christensen.
2nd Reading

Comm Christensen and Comm Woolfter Ordinance No. 1905
Commissioner Christensen: Same as Item A.

A Bill entitled, "AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH." Read by City Attorney Mike Sloan.

Mayor Briare: Comments? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woolfter, Lurie, Leavitt,
Christensen, and Mayor Briare voting aye;
noes, none.

BILL NO. 77-59 Mayor Briare: Bill No. 77-59.
Tabled

for further study
Commissioner Christensen: My recommendation is to change that Ordinance to delete the swimming pool requirements.

Mr. Hampton: I would like the Committee to allow my office approximately one month to do a detailed economic impact study for this Bill. We would be happy to include your conditions in our study, and report back to you at that time.

Commissioner Christensen: I think that will turn up the fact that the sewer charge for swimming pools is excessive, and unnecessary. I would yield to you to have that study. I will accept that recommendation. Then the proper motion would be to hold this for further study.

Mr. Sloan: Well the Ordinance has to be rejected within 30 days from the date of publication. We have to either approve it or reject it within 30 days from the date it was published. You could table this indefinitely, or it is going to die by its own volition.

Mr. Hampton: I request then that it be tabled, and if it has to die then we will introduce it once again.

Commissioner Christensen: O.K. I move to table this Ordinance.

Mayor Briare: Comments on the motion? (No response). Cast your votes. Motion is approved.

Motion carried by the following vote:
Commissioners Woofter, Lurie, Leavitt,
Christensen and Mayor Briare voting aye;
noes, none.

REPORTS FROM STUDY COMMITTEES

None

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VIII. REPORTS FROM RECOMMENDING COMMITTEES

(Addendum No. 1)

1. BILL No. 77-56 - Satisfied requirements for Annexation A-3-77
Committee: Commissioners Christensen and Woofter

2nd Reading

12/28/77
Agenda

1st publication in L. V. SUN 12/16/77

2. BILL No. 77-57 - To change number of Board of Commission Regular Meetings from 4 to 2
Committee: Commissioner Leavitt and Mayor Briare

2nd Reading

12/28/77
Agenda

1st publication in L.V. SUN 12/16/77

3. BILL No. 77-58 - Satisfies requirements for Annexation A-4-77
Committee: Commissioners Christensen and Woofter

2nd Reading

12/28/77
Agenda

4. BILL No. 77-59 - To provide for a sewer service fee to pay obligations imposed by Clark County to construct an advance Waste Water Treatment Plant
Committee: Commissioners Christensen and Lurie

Tabled for further study

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Agenda

IX. REPORTS FROM STUDY COMMITTEES

None

None

X. CITIZEN PARTICIPATION - PUBLIC APPEARANCES

Presentation by Edward M. Smith re result of application for City employment as Firefighter.

Referred to City Manager

C/M to proceed

Mayor Briare: Is there someone else to come before the Commission?

Edward Smith: I am a Vice President in the Southern Christian Leadership Conference, and Vice President of the Youth Membership, and Vice President of Publicity. I would like to bring this to the attention of the City Commission, because the City is a prime sponsor of the CETA Program. I have a letter here from Mr. Holtigen. He is the Regional Administrator of the Department of Labor in Region #9. He wrote in this letter telling me to contact Rev. Leo Johnson at the CETA Office on a case, or affidavit that I filed. I have it here. At the same time yesterday a group of interested citizens, and me as the Chairman of the SCLC Youth Department, we put a picket line on the CETA Administration Building, and City Hall. For moving out of the hiring hall out of West Las Vegas, which is the highest unemployment area in the whole State. They are going to move that program out of there, and they are going in to a shopping center. They are also going to demote some of the black persons. Rev. Johnson is going to be moved, and a Miss Blake has been terminated as of today. She is the one that recommended my case be sent to the Regional Office. If that is the reason she is being demoted, or being fired, and it was my fault then I would like to come down here and see if we can't get something straight. They don't respect us fully in our own community in this program, and if they move that program out of our neighborhood we will get less respect. It has been shown already by having these people demoted and such. It won't be even approved until January on the move. Is that right Commissioner Lurie?

Commissioner Lurie: You are wrong. The people from the voice called, and requested a copy of the report of the recommendation on the new administrative procedures, and we told them that there was a copy available, and they could come down and pick it up. They could study it, and make any comments they want, but the executive board will act on it on the first meeting in January. We appreciate your concern, but we are looking to better the program, and not do anything to jeopardize the program, but to enhance it, and to make more jobs available. We appreciate your concern.

Mr. Smith: Well what I am saying; is that before Sandy Blake came in that it was a mockery.

Commissioner Lurie: Well that is your opinion.

Mr. Smith: Well I used to go down there every day. I was going through the program, and people would be sitting around. They wouldn't be doing their job.

Commissioner Christensen: I think we have a problem with the Open Meeting Law here. This isn't something that we can discuss on this agenda.

Mr. Smith: Well the meeting is not over yet right?

Mayor Briare: It is going to be in about a half a minute.

Mr. Smith: Well this says Citizens Participation right?

Mayor Briare: Yes.

Mr. Smith: O.K. I also would like to bring up the point. I took a test for fire fighter for the City of Las Vegas. I scored 84 on the exam, and another person scored an 84, and that was the highest academic score scored on the exam. I was a veteran, and the other guy had gone to college, and the City of Las Vegas had a five point preference at that time. I went to the physical part, and I made 90% out of 100%, and that is not bad because I am still number one or two. I then went to the Oral Board, and when I got to the Oral Board they cut me from number one on the list to 109. I have had fire fighter experience. I was in the United States Navy. They said that I was certified, and qualified. The ship caught on fire, and I have took part in saving lives. I know the different classifications of fires.

Mayor Briare: Well that is all interesting. Mr. Hampton would you have Mr. McPherson, or somebody in the Personnel Department review this with him, because there is nothing that the Commission can do on this.

Commissioner Christensen: I would like to have the City Attorney make a determination for our next meeting, as to what under the Open Meeting Law we can discuss Citizen Participation. I really question whether that should be on the agenda anymore. There is nothing we can do. To have a dialog going both directions in this meeting; it looks to me like it is totally illegal under the Open Meeting Law.

Mr. Sloan: I realize that if you get in to a decision making context. I think it gives you the flexibility, and the citizens come in they may not be familiar with the Open Meeting Law. It has taken us quite a while to try to figure out how to operate under the Open Meeting Law. It gives people a chance to come down, and at least say something. If they sit here all day. Rather than being told that they have to write in. I don't think you can get in to a detailed discussion about his employment problems, or about the operation of CETA, but I think any citizen should have the right to walk in here, and say what they think, and then be told that we will either continue it until the next meeting, and post it in accordance with the Open Meeting law. We could also make a determination under an emergency situation which could involve a waiver of the Open Meeting Law. Rather than having an outright prohibition against citizens having some opportunity to speak collectively to the....

Commissioner Christensen: Well I have a hard time with that, because just a little while ago it was determined that the Mayor, and the Commissioners couldn't discuss what was going to come up in a staff meeting. Yet we can have a conversation with the Public.

Mr. Sloan: I said that he could speak to you.

Commissioner Christensen: Well in other words we are supposed to sit here, and if a guy asks us a question we are just supposed to look at him like a bunch of dummies.

Commissioner Leavitt: Just suppose that we could come up with some kind of solution to this mans problem. We said well there is a way we can solve this we can do this, this, or this. We couldn't take that action could we?

Mr. Sloan: Not in my judgement if it required a vote, or if it required a decision by the Commission.

Commissioner Leavitt: Well if we can't take any action then why do we listen.

Mr. Sloan: Well the Commission could just say that they don't want to listen to the public any more under this section. I think that is within your perogative.

Commissioner Leavitt: Well if we listen, and we can't do anything aren't we spinning our wheels?

Commissioner Woofter: I think we can do something. If we think there is something that needs to be done we can ask for it to be posted, and be on our agenda.

Mr. Smith: I want to say one more thing. I had a fair hearing with the Clark County Fire Department with a Leroy Parrish. He is the Deputy Chief, and he said that the questions that they asked me, the City asked me in their interview, and in his exact words he said, "that was none of their damn business." They were asking about my participation in SCLC.

Commissioner Leavitt: What you have done is that you had a Review Board with the County Fire Department. That has nothing to do with the City.

Mr. Smith: Well he told me that they violated my rights, when by me being in SCLC then they gave me a low score on the Oral Board.

Mr. Sloan: I would like to caution the Commission. This indicates to me that there might be some kind of litigation. This is not what I would contemplate as Citizens Participation. If he has a grievance against the City in Personnel, and a possible law suit, then that should go through channels, and be brought up in the Managers, or Personnel agenda.

Commissioner Leavitt: Well anyone that is going to come and address us has got a grievance against the City nine times out of ten. If this is the kind of situation we are going to get in to we can listen to him, but there is nothing we can do at this time.

Mr. Smith: Well this is just to make you aware of it. I figured that you could do more for me then I know.

Commissioner Lurie: Well you said Mr. Sloan that we might have a discrimination suit against us so we shouldn't look in to this now? It should come out in any kind of an action suit that he wants to make against the City?

Mr. Sloan: My concern of this is in terms of response. As I understand you are saying that when you applied for a job with the City of Las Vegas they inquired in to what organizations you belong to, and to what church you went to.

Mr. Smith: That is what I am saying. I was number one on the list, and when it came to the physical I got 90% out of 100%. When it came to the oral exam, then that is when they brought up about my volunteer. It was on my application. There was no reason for me to hide that I was a member of the SCLC. I put it on my application. Now Chief Parrish said that they shouldn't have brought it up.

Mr. Sloan: Well you could probably take this to the Personnel Department to resolve it as opposed to the Commission to resolve it.

Mr. Smith: I went to Bill Burke, and he told me that if I were to go to anybody that I would have to get me a lawyer. I don't have me the money to buy me no lawyer. I have talked to Commissioner Woofter on the street, and I said I was going to get in touch with him, but I had a doctors appointment at the same time that I had an appointment with him. I called him, and left him a message, but I don't know if he got it or not. I was going to talk to him about this. I haven't had a chance to get with him. Maybe I can be put on the next agenda.

Commissioner Leavitt: I would like to move that we direct our City Manager to inquire as to this mans charges.

Mr. Sloan: I don't think you have to move to do that. I think that if the gentleman would contact the City Manager, and if it should be brought back, then it could be placed on the agenda.

Commissioner Leavitt: Well Mr. Hampton I would like to have this matter look in to, and a report made to us. Look in to it.

Mr. Smith: Thank you very much.

There being no further business to come before the Board,
at the hour of 3:00 P.M., Mayor William H. Briare declared
this Regular Meeting of the Board of City Commissioners
A D J O U R N E D.